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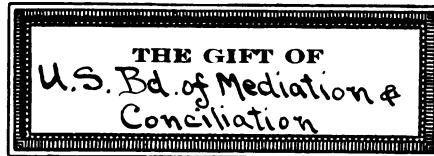
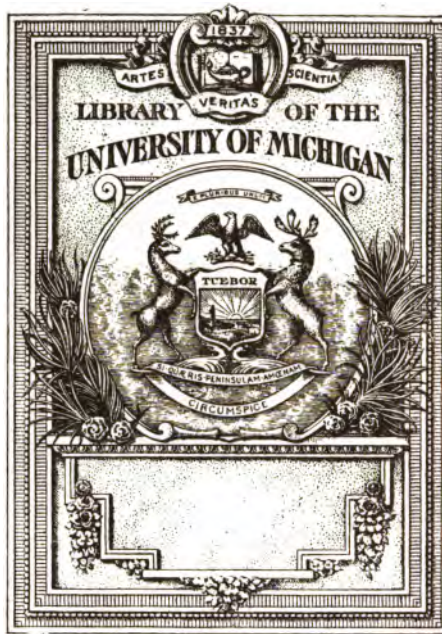
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Railway Strikes and Lockouts

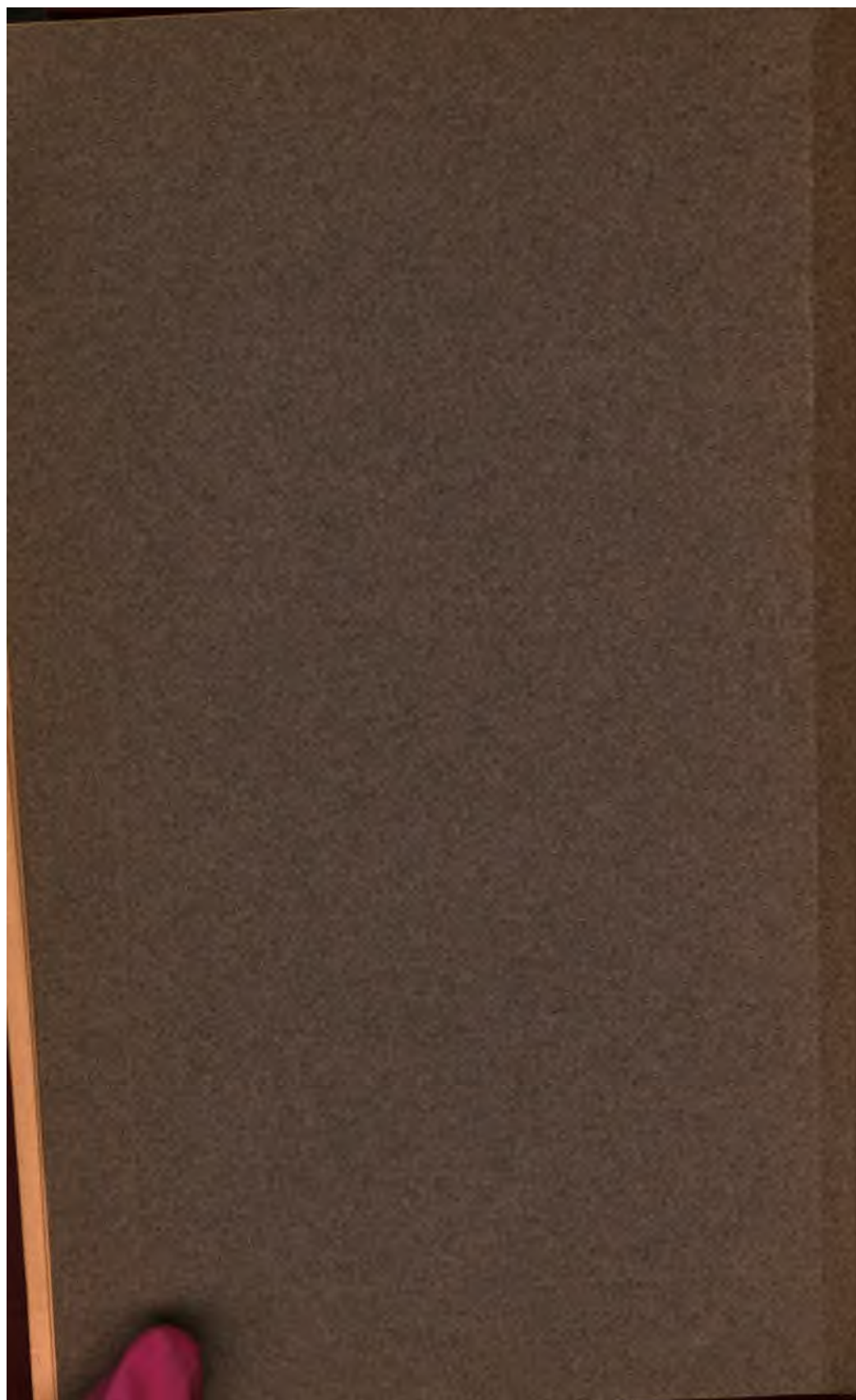
A STUDY OF ARBITRATION AND CONCILIATION LAWS
OF THE PRINCIPAL COUNTRIES OF THE WORLD PRO-
VIDING MACHINERY FOR THE PEACEABLE ADJUST-
MENT OF DISPUTES BETWEEN RAILROADS AND THEIR
EMPLOYEES, AND LAWS OF CERTAIN COUNTRIES FOR
THE PREVENTION OF STRIKES

UNITED STATES BOARD OF MEDIATION AND CONCILIATION

NOVEMBER 1, 1916



WASHINGTON
GOVERNMENT PRINTING OFFICE
1916



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RAILWAY STRIKES AND LOCKOUTS.

LEGISLATION RELATIVE TO STRIKES AND LOCKOUTS ON RAILROADS AND OTHER PUBLIC UTILITIES.

AND

METHODS OF ADJUSTMENT OF WAGE DISPUTES IN OPERATION IN THE LEADING INDUSTRIAL AND COMMERCIAL NATIONS.

I. INTRODUCTION.

The following study is not a critical estimate of the efficacy of the different laws which have been devised for dealing with wage disputes and strikes in the transportation industry and other branches of the public-utility service. The experience of the different countries under the various laws enacted has not been considered, or any other feature of the general legislation relative to strikes and lockouts which might be looked upon as a subject of controversy. The report consists of an impartial comparative analysis and digest of legislation relative to strikes and methods of adjusting disputes as to wages and working conditions in the public-utility service in the principal commercial and industrial countries, as well as in those countries where advanced or unusual ideas have been enacted into legislative form. To this has been added the full text of existing and proposed legislation. Official statistics as to the operation of the different laws, whenever available, have also been submitted. Furthermore, in the case of each country an explanatory statement, together with a brief history of legislative enactments for the prevention of strikes and the promotion of industrial peace, has been prepared.

The laws selected for a comparative analysis as being of the largest direct interest in connection with the consideration of a law providing for a system of conciliation and arbitration in the United States were those of Canada, New Zealand, and the Commonwealth of Australia. The laws of the United States and Great Britain were also taken as showing the differences existing between them and the more elaborate and far-reaching laws of the States named.

Laws of the Australian States resembling the laws of the Commonwealth and New Zealand in many respects are not treated in detail, partly because of their general similarity to those analyzed and partly because of the subordinate position which they occupy relative to the law of the Commonwealth. The antistrike legisla-

tion and administrative orders to prevent strikes which are in operation in certain European countries have been presented in order to show the wide difference between this form of legislation and that of other countries. The history and operation of conciliation and arbitration legislation in the United States, together with measures now proposed by way of addition and amendment to the existing law, are presented for purposes of comparative study.

The official publications of the different countries under consideration have constituted the principal sources of information used. A number of special reports of the labor department of the British Board of Trade have been found to be of great value, especially a report entitled "Memoranda on Strikes and Lockouts," issued in 1912, which reviews in an exhaustive way antistrike legislation in the British Empire and in other countries.¹ This report has been mainly relied upon as a source of information in the analysis of European and Australasian legislation, its subject matter being supplemented by further research and brought down to date. Through the cooperation of Hon. T. W. Crothers, Canadian minister of labor, and Hon. F. A. Acland, registrar of boards of conciliation and arbitration, the latest data as to the operation of the Canadian industrial disputes investigation act were secured.

In the preparation of this work the United States Board of Mediation and Conciliation was fortunate in securing the services of Mr. W. Jett Lauck, Statistician, Washington, D. C., who was assisted by Mr. Lindley D. Clark, of the Bureau of Labor Statistics.

II. COMPARATIVE SURVEY AND ANALYSIS.

A survey of the legislative and other measures which have been adopted by the leading commercial and industrial nations for the prevention of strikes and the promotion of the peaceable adjustment of disputes between employers and employees in the transportation industry and other public utilities reveals a remarkable lack of uniformity. Each country or section seems to have worked out its own system from its own experience. In only one or two cases was it found that one nation had adopted the plan of another.

In the study of this class of legislation, however, one fact stands out prominently. Two factors have been responsible for antistrike legislation and legislation for the orderly settlement of industrial disputes. One group of countries in framing such legislation has primarily had in mind the protection of the public against the injurious effects of industrial warfare in the railway and other public-utility service. Such reasons are evidently responsible for the legislative enactments in Canada, France, Italy, Russia, Roumania, Spain, and Portugal, and the attitude of the railway administration of Germany. On the other hand, the preservation of industrial peace and the advancement in economic welfare of certain classes have been primarily considered in framing the legislation of Australasian countries, and the prevention of industrial conflicts in the railway service has been incidental to these broader purposes.

¹ Strikes and lockouts. Memoranda prepared from information in the possession of the labor department of the board of trade relating to the text and operation of certain laws in the British Dominions and foreign countries affecting strikes and lockouts with especial reference to public-utility services. London, 1912.

COMPARATIVE SUMMARY OF LEGISLATION.

The following statement shows in a summary and comparative form the status of existing legislation relative to strikes and the maintenance of industrial peace on the railways and in other public-utility service of the leading commercial nations of the world. A comparison is made of the following features of such legislation:¹

- (1) Conditions under which lockouts or strikes are prohibited.
- (2) Penalties for the enforcement of antistrike legislation.
- (3) Legal machinery for the adjustment of disputes.
- (4) Private or semiofficial machinery for the adjustment of disputes.

Any unusual or striking features of existing legislation or any important facts relative to the administration of the laws are referred to in the last column of the tabular statement. The countries for which information is shown are arranged in alphabetical order.

¹ A more detailed account of legislation by countries will be found in succeeding sections of the report.

Antistrike and industrial conciliation legislation relative to public utilities, by countries.

Name of country.	Legal machinery for the adjustment of disputes.	Conditions under which lockouts and strikes are prohibited or are illegal.	Penalties for enforcement of anti-strike legislation.	Remarks.
Australasia: Commonwealth of Australia.	<p>Court of conciliation and arbitration, consisting of a president, who is a member of the Federal supreme court, and judges of the Federal or a State supreme court, appointed by the president as his deputies. Provision is also made for conciliation committees of equal numbers of employers and employees; assessors representing the parties appointed by the court to advise it and local industrial boards, equally representative of workers and employers, presided over by a judge of the supreme court of the Commonwealth or supreme courts of the States. The procedure is varied. The president of the court may summon parties to a dispute and by conference aim to reach an amicable settlement; or there may be an investigation as the basis of an amicable settlement; or temporary reference of a matter to a conciliation committee or local industrial board; all amicable settlements have the force of a formal award.</p>	<p>The initiation or continuance of any strike or lockout by any organization or person is prohibited.</p>	<p>Penalty of £1,000 against any person or organization responsible for a strike or lockout.</p>	
New South Wales.....	<p>In New South Wales the law is similar to that of the Commonwealth and of Queensland in that there are both an industrial court (which is a superior court and a court of record) and industrial boards for groups of industries or callings, awards by the latter being subject to amendment, variation, or rescission by the court.</p>	<p>Strikes and lockouts of all kinds are prohibited. An injunction may be issued by the industrial court.</p>	<p>Employer liable to a fine of £1,000; worker liable to a fine of £50, which is a charge on his wages. If striker was member of a union, it may be held liable for not exceeding £20 of the penalty. Penalty on union for aiding or instigating strike is £1,000.</p>	

<p>New Zealand.....</p>	<p>(a) A court of arbitration, consisting of three members appointed by the governor to serve for three years; one "judge of the court" to have the tenure, status, and emoluments of a judge of the supreme court, and 1 each nominated by unions of employers and workmen, respectively. Councils of conciliation, consisting of a conciliation commissioner appointed by the governor for a term of 3 years, to have jurisdiction within a designated industrial district, and 1 to 3 assessors appointed by the commissioner for the occasion, on the nomination of the parties applying for a conciliation committee, a like number to be appointed on the nomination of the respondents. Boards of investigation appointed by court of arbitration. The procedure is for a council of conciliation when requested to attempt to adjust the controversy. Failing in this, the matter may be referred to the court of arbitration, which shall make a determination. Disputes involving workers on the Government railways or affecting more than 1 industrial district may be brought before the court in the first instance by application of a union of railway employees in the one case and of any party to the dispute in the other.</p>	<p>(a) Under the industrial conciliation and arbitration amendment of 1908, which applies only to cases where an award or an industrial agreement is in force, strikes and lockouts are prohibited. (b) Under the labor disputes investigation act of 1913, which applies only to cases where there is not an existing award or industrial agreement, notice must be given to the minister, who must refer matter to an industrial commissioner or committee. If no settlement is effected within 14 days from delivery of notice to the minister, the labor department conducts a secret ballot, and then 7 days must elapse before cessation of work.</p>	<p>(a) Employer liable to £500 fine and employee to £10. In the case of public utilities the penalty to the worker is £25. For encouraging or instigating a strike or lockout the scale of fines is: Worker, £10; employer or union, £500. The wages of workers may be attached for fines. (b) Penalty for striking or locking out before notice is given or before expiration of 7 days from the secret ballot, £10 to a worker and £500 to employer. Wages of worker may be attached.</p>	<p>(b) At any time during the progress of a strike, 5 per cent of the workers concerned may demand a secret ballot on any question relating to the strike.</p>
<p>Queensland.....</p>	<p>Industrial court administered by a judge appointed by the governor in council. Local industrial boards are also created on the application of a prescribed number of employers and employees. The court has jurisdiction over certain classes of cases directly and over others on appeal from industrial boards.</p>	<p>In the case of public utilities, strikes and lockouts are illegal unless a conference has been held before an industrial judge and proved abortive and unless 14 days' notice has been given after termination of conference and a secret ballot has been taken. In all other cases, 14 days' notice must be given and a secret ballot taken.</p>	<p>A fine of £1,000 may be levied on employer or union, and £50 on worker. If worker is member of a union, not to exceed £20 of the penalty may be levied against the union. Penalties are made a charge on wages and on funds of associations.</p>	

RAILWAY STRIKES AND LOCKOUTS.

Antis strike and industrial conciliation legislation relative to public utilities, by countries—Continued.

Name of country.	Legal machinery for the adjustment of disputes.	Conditions under which lockouts and strikes are prohibited or are illegal.	Penalties for enforcement of anti-strike legislation.	Remarks.
Australia—Continued. South Australia.....	The judge of the industrial court brings parties together when any dispute occurs, and may make an award in trades where there is none in force, or may change an existing award. When sitting to make a final adjudication, two assessors, representing the respective parties to the dispute, assist the judge if he thinks fit.	All strikes and lockouts are illegal.	A fine of £500 may be levied against an association and a similar fine of £300 against a person, or three months' imprisonment. Fine of £20 or three months' imprisonment for picketing. Fines are made a charge against funds of associations and on wages over and above £2 a week. An employer who refuses to employ or a worker who refuses to accept work, where there is an industrial agreement or award in operation, may be fined.	
Tasmania.....	Governor appoints wages boards. Determination of wages boards may be suspended by the governor, and the boards are then required to review their action. Appeals may be taken from the wages boards to the supreme court. No provision is made for conciliation.	All strikes and lockouts in wages boards trades on account of any matter as to which a determination has been reached.	A fine of £500 may be levied against an organization and £20 against an individual.	
Victoria.....	The court of arbitration consists of a judge of the supreme court and two representatives from employers and employees, all three being appointed by the governor. No provision is made for local tribunals and matters come directly before the court of arbitration or the presiding judge.	No legislation.	A fine of £100 may be levied against industrial union or employer, and of £10 against worker.	
Western Australia.....		Strikes and lockouts are illegal. An employer cannot discharge a worker nor can a worker cease work (1) before a reasonable time has elapsed for matter to be dealt with by the court, or (2) during the time the proceedings in court are pending.		Before forming a union, the organization must notify the Government authorities and send them a copy of the constitution and
Austria.....		Strikes and lockouts on public utilities are prohibited.	Union may be dissolved and funds and property seized.	

by-laws. The authorities may then forbid the formation of the union if they consider it will be dangerous to the State.

There has been no serious strike on Belgian railroads since their establishment. This is due to the fact that positions on the railways are much sought after because of stability of employment, pensions, and on account of the prestige of being in the Government service.

The object sought in publishing the report of boards of investigation is to enlist the coercive force of public opinion upon the side of the right as found by the board.

Belgium.....	Trade unions of employees of public utilities are permitted under Government supervision. Employees may present grievances or requests to the minister of railways, posts, and telegraph through official channels.	Strikes and lockouts prohibited on railroads and in all forms of the public services (railway, postal, telegraph, and telephone service, all of which are under State control).	Imprisonment or fine.....
Canada.....	The law is administered by the minister of labor and is under the immediate direction of the registrar of boards of conciliation and investigation appointed by the governor in council. Boards of conciliation and investigation are appointed by the minister of labor, one member being nominated by each party to the dispute, and the third by these two. If nominations are not made in due time, the minister appoints on his own motion. Jurisdiction by the minister is obtained by the request of either party for the appointment of a board of conciliation and investigation.	Strikes and lockouts are illegal in public utilities and mines until after an investigation by a Government board and the publication of its report.	A fine ranging from £2 to £10 may be levied on each worker, and from £20 to £200 on each employer, for each day an illegal strike or lockout continues. Penalties are not imposed by the Government but must be enforced by the injured party to the dispute.
Denmark.....	By a law passed in 1910 provision is made for the appointment of a permanent arbitration court of 6 members selected from organization of employers and employees with a president and vice president with qualifications of an ordinary judge. It is the duty of this court to make the parties to a dispute respect any agreement between them. A Government conciliator is appointed for 2 years. Whenever a strike or lockout is impending (public notice being compulsory) it is his duty to intervene and attempt to effect a settlement.	Strikes or lockouts are prohibited in cases where court awards or trade agreements are broken. In cases where no trade agreements exist, a strike is legal, but public notice must be given before it is started.	Fines.....

Ani-strike and industrial conciliation legislation relative to public utilities, by countries—Continued.

Name of country.	Legal machinery for the adjustment of disputes.	Conditions under which lockouts and strikes are prohibited or are illegal.	Penalties for enforcement of anti-strike legislation.	Remarks.
England.....	There is no legal machinery, strictly speaking, for the adjustment of wage disputes on the railways, but effective machinery is in existence, which is quasi official, consisting of an agreement between the railroads and their employees, which was originally negotiated by a representative of the Board of Trade in 1907. It was amended as the result of conferences and the report of a royal commission in 1911. These changes were the outcome of the railway strike in 1911. By this agreement boards are created, with equal representation of railroads and employees, to perform the conciliation work not settled by direct negotiation between the parties. If a settlement can not be reached, a neutral chairman or umpire, selected by the conciliation boards from a panel prepared by the Board of Trade, is called in and his decision is final.	No legislation..... ✓	No legislation..... ✓	The adjustment of disputes on other public utilities and in the mining industry is provided for in the conciliation act of 1890. Conciliators or boards of conciliation are appointed by the Board of Trade. Arbitrators are also appointed on the application of both parties, selected from panels of employers, employees, and persons of eminence and impartiality, ¹⁷ established by the Board of Trade. For conciliation proceedings the Board of Trade acts on its own initiative or by the request of either party; for arbitration on the application of both parties.
France.....		The only qualification as to complete freedom of action in the railway service is that any engineer, fireman, or trainman shall not desert his post during the progress of a journey. Postal employees and employees in shipping service controlled by the Government are prohibited from striking.	Desertion of trains between terminals is punishable with imprisonment ranging from 6 months to 2 years. Postal and other civil employees may be dismissed or suffer losses in pay. The monopoly privilege may be withdrawn from the shipping service on which a strike occurs.	In all occupations except those mentioned the right of employers and employees to take concerted action in a peaceful manner with a view to cessation of work has been officially recognized since 1884. On Oct. 2, 1910, the National Federation of Railway Employees of France and the Federation of Unions of Railway Engineers and Firemen called a general strike on all the railroads of the country. The Government, using its full authority under military laws, called for a

mobilization of the strikers, and ordered them to do military duty for 3 weeks. Their military duties were specified as the keeping of the railways under normal working conditions under the orders of their superior officers. This measure defeated the strike, which was called off after 6 days.

Germany.....

Means for enabling railway workers of all groups to bring their requests and grievances to the notice of the authorities have been instituted by all the State railway administrations in Germany under the name of workmen's committees.

No specific penalties for engaging in strikes, but workmen are forbidden to belong to unions which assert the right to strike. All union organization and by-laws are subject to governmental sanction. The decisive force of the law is found in the fact that a railway employee who engaged in a strike would be dismissed or fail of advancement in his work. Every Government employee looks forward to attaining the status of an "official," and this is practically impossible if he belongs to or is known to sympathize with a trade-union which does not meet with Government approval.

Holland.....

Delegates are selected from different groups of railway employees who are authorized to present the wishes and complaints of railway workers before the managers. Arbitration boards have been established for the enforcement of penalties imposed because of infractions of working rules and conditions.

Strikes in railway service are prohibited.

Imprisonment or fine.....

Legislation prohibiting strikes was the outcome of a general strike in the Dutch railway service in 1903.

Italy.....

Strikes are prohibited in railway and public service.

Fine and loss of employment.....

Legislation relative to fines and loss of employment would not practically prevent strikes, because of the impossibility of enforcing the law upon so many individuals. The real restraining influence is the power of the Government to call out the reserves and compel strikers to resume work under military law.

Antistrike and industrial conciliation legislation relative to public utilities, by countries—Continued.

Name of country.	Legal machinery for the adjustment of disputes.	Conditions under which lockouts and strikes are prohibited or are illegal.	Penalties for enforcement of anti-strike legislation.	Remarks.
Ottoman Empire.....	In the case of a dispute relative to wages or working conditions, a conciliation board is organized, composed of six members, three representing employers and three representing employees. The boards are presided over by an official appointed by the Government. The agreements reached by these boards are enforced by the Government. If the parties to the dispute can not agree, the employees are free to stop work, but nothing must be done by them opposed to freedom of action.	Strikes in public utilities are unlawful until grounds of dispute are communicated to the Government and attempts at conciliation have failed.	Imprisonment or fine.....	The organization of trade-unions in establishments carrying out any public service is forbidden.
Portugal		Illegal in public utilities until 8 to 12 days' notice has been given, together with a statement as to the causes for a strike.	Loss of employment.....	In all services except public utilities, strikes have been expressly permitted since the establishment of the Republic in 1910.
Roumania		Strikes are prohibited in public utilities.	Imprisonment and loss of employment.	No employee of a public utility can join a trade-union without the authorization of the Government.
Russia		Strikes are prohibited among employees of public utilities.	Imprisonment and loss of employment. Authorities may arrest or banish strikers without bringing them before a court.	In industries other than public utilities strikes are expressly allowed, provided they are not accompanied by threats or violence.
Spain.....		Strikes are illegal in public utilities until 5 to 8 days' notice is given, together with a statement as to the causes of the strike.	Leaders and officials of labor organizations or concerted movements who do not make a declaration as to the causes for a strike are liable to imprisonment.	
Switzerland.....	The Canton of Geneva has established a system of conciliation and arbitration. Conciliators	Strikes are prohibited in the Federal railway service and in the Canton of Geneva whenever an	In the Federal service strikes are punishable by fines and reprimands. There are no penalties	There have been no strikes on the railways of Switzerland since their nationalization in 1897.

Transvaal.....	<p>are elected directly by the two parties to the dispute. If they can not reach a settlement, recourse is had to an arbitration board under Government auspices. There is no law for the settlement of disputes in the Federal railway service.</p> <p>The Transvaal law is administered by a department of labor. Boards of investigation are appointed on the request of either party to a dispute. The board has the power of the supreme court as to securing evidence, etc., but can not make binding orders. Failing the adjustment of a dispute by agreement, the board reports to the minister of labor its recommendations which are officially published and also given to the newspapers.</p>	<p>Industrial agreement or award is broken.</p> <p>In public utilities, the mining industry, and in any other industry to which the provisions of the act are extended by proclamation, strikes are unlawful until after an inquiry by a Government board and until 1 month after the publication of the board's report.</p>	<p>in the Canton of Geneva.</p> <p>Any striker is liable to a fine of £10 to £30 a day, and, in default of fine, imprisonment, or imprisonment for 3 months without the option of fine. Anyone encouraging another to strike may be fined £30 to £250 or 6 months' imprisonment. Any employer declaring a lockout may be fined £100 to £1,000 a day, or given 12 months' imprisonment.</p>	<p>The Transvaal law is based, as regards prevention and procedure, upon the Canadian industrial disputes investigation act of 1907.</p>
United States.....	<p>Law providing for the conciliation and arbitration of disputes on railways which interrupt or threaten to interrupt the business of the employer to the detriment of the public interest, under the administration of a board of mediation and conciliation appointed by the President. The board attempts mediation and conciliation, which failing, the board seeks to procure the submission through an agreement of the parties, of the dispute to a board of arbitration. Jurisdiction is obtained at the request of either party to a dispute, or the board may proffer its services.</p>	<p>No legislation by the Federal Government.</p>	<p>No penalties against strikes.....</p>	

It will be seen at once from this statement that among the Australasian countries the general tendency of legislation is to place a limitation, and with practically one exception, a prohibition upon the right to strike upon railway and practically all other classes of industrial workers. Complete machinery, however, has been provided for the settlement of controversies.

Another group of countries, on the other hand, such as Canada, the Transvaal, Spain, and Portugal, have not denied employees the right to strike, but have made the exercise of this right contingent upon certain conditions—a notification to the Government of the intention to strike or after a governmental investigation and report.

In the case of other countries, as Russia and Roumania, the right of railway workers or other public-utility employees to strike is absolutely prohibited, and no machinery is provided for ventilating grievances. Belgium and Holland also prohibit strikes but have devised methods for employees to take up grievances or requests with railroad managers. Strikes are not formally prohibited in Germany or Austria among railway workers, but are practically prevented by the control of the authorities over the trade-union affiliations of employees. In Germany, however, administrative machinery has been provided through which transportation workers may have a vent for their grievances. Strikes are not prohibited by formal legislative enactment on French railways, but are practically impossible, because of the policy of the Government in calling employees to the colors and placing them under military orders in the event of a strike. Italy depends upon the same policy to prevent industrial conflict on her railways. In Great Britain and the United States there is no abridgment of the right to strike. Both countries have provided official machinery for the adjustment of wage and other difficulties between the railroads and their operating forces. In Great Britain the opportunities for conciliation and arbitration under the conciliation act of 1896 have also been supplemented by a general agreement between railway officials and employees which makes provision for compulsory conciliation of matters in dispute.

STUDY BY THE BOARD OF TRADE OF GREAT BRITAIN.

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During the year 1912 the labor department of the British Board of Trade made an exhaustive analysis of the text and operation of laws in the principal countries of the world relating to strikes and lockouts, with special reference to the public utility service. There has been no legislative change of any consequence since the publication of this report, and its general conclusions afford an exceedingly valuable insight into the situation at the present time. The following extracts are, therefore, quoted in considerable detail:

The differences in the character of the legislation (antistrike legislation)—the report states—

turn largely on general scope and aim, and more specifically on the machinery set up under the various acts, on the penalty they impose, and as to their bearing on what are known as the "public-utility services."

It may be observed that this expression has no exact definition. Primarily the services of water, gas, and electric lighting, and those of public locomotion, transport, and communication are connoted, but, when recognized at all, the

exact interpretation and application of the term varies greatly in the different acts. Thus, in some cases public utilities have been closely grouped with other industries also regarded as of prime importance to the community, such as mining in the Canadian industrial disputes investigation act. The definition of "necessary commodities" in the New South Wales industrial disputes act of 1909 is pertinent in this connection and may be quoted as follows:

"'Necessary commodity' includes (a) coal; (b) gas for lighting, cooking, or industrial purposes; (c) water for domestic purposes; and (d) any article of food the deprivation of which may tend to endanger human life or cause serious bodily injury."

In New Zealand, again, in the industrial conciliation and arbitration act of 1908, special conditions are imposed with respect to lockouts and strikes in certain "specified industries and occupations," and these are enumerated as follows:

- (a) The manufacture or supply of coal gas.
- (b) The production or supply of electricity for light or power.
- (c) The supply of water to the inhabitants of any borough or other place.
- (d) The supply of milk for domestic consumption.
- (e) The slaughtering or supply of meat for domestic consumption.
- (f) The sale or delivery of coal, whether for domestic or industrial purposes.
- (g) The working of any ferry, tramway, or railway used for the public carriage of goods or passengers.

In Russia the definition covers "all undertakings having a social or governmental character * * * if the suspension of the work of the employees or workpeople threatens the security of the State or gives cause for fear of a national calamity." In such fields strikes or lockouts are rendered illegal, but in Holland, on the other hand, the applied definition is much narrower, the special legislation prohibiting strikes in that country being confined to the main lines of the railway service; while in Belgium it covers all persons employed by the State, including those in the railway, postal, telegraph, and telephone services.

Although in the acts of New South Wales and New Zealand, to which reference has just been made, special penalties or conditions apply in connection with the public-utility services, the most general aim of the acts themselves is, apart from the improvement of industrial conditions in the weaker trades, the maintenance of industrial peace. In the foreign legislation, as a rule, the primary object is rather to insure to the public the provision of what are regarded as most necessary services and, although the two ends of industrial peace and the public welfare tend to converge, a characteristic difference in the nature and scope of the two classes of legislation emerges.

III.

In the Dominions the legal right to take combined action in cases of industrial dispute had, previously to the adoption of legislation restricting that right, generally prevailed wherever the relationship of employer and employed existed, whether in the public-utility service or in general industry.

In most cases the employees of the public services, such as those of the post office and (when owned by the State as is almost universally the case in Australia, New Zealand, and the Transvaal) of the railways, are brought under special measures granting certain privileges and also imposing special obligations of discipline and obedience. These special measures appear, however, to impose no clear statutory limitations on the right of combined action.

Thus, such limitations of this right as exist in the Dominions are those found in the new body of industrial legislation dating from 1896. In this legislation limitations applying especially to the public-utility services are imposed only in four cases, namely, in those of New South Wales, New Zealand, Canada, and the Transvaal, and in all these the limitations are imposed by acts that have a wider application and that in imposing penalties for lockouts and strikes that take place under certain conditions, also set up machinery for the settlement of industrial disputes. It may be noted that in none of the Dominions save in Western Australia, where the public-utility services are put on the same footing as general industry, and possibly in New South Wales, are lockouts or strikes made unconditionally illegal.

While, therefore, special attention has been directed to such provisions in the Dominion legislation as apply distinctly to the public-utility services, most

of the legislation of which the provisions and operations are set forth has had a different and a wider scope, and, as regards Australia and New Zealand, such provisions against lockouts and strikes as are found are in all cases accompanied by others for the regulation of wages and other terms of contract.

Thus, in New Zealand, Western Australia, New South Wales, South Australia, and Tasmania, as in the case of interstate disputes in the Commonwealth, the characteristic illegality of a lockout or strike is contingent on the contemplated or actual legal fixation of wages and other conditions of employment.

In Canada and the Transvaal, on the other hand, the characteristic illegality is different, since the administrative task imposed by the acts in those States is limited to the investigation of the grounds of industrial disputes and to report thereon. It is only pending such investigation and report that the strike or lockout in these States becomes illegal and the difference in the duties of the bodies formed in these Dominions and thus of the acts under which they are created is fundamental.

There are, it may be noted, broadly, two main divisions of Dominion legislation, including that of the Transvaal, imposing restrictions on the right of resort to the lockout or strike—one in which the observance of prescribed or of agreed and filed conditions of employment as regards wages, etc., is potentially a matter of legal compulsion as in Australia and New Zealand, and the other from which this element of compulsion is absent, as in Canada and the Transvaal. The first class may be subdivided into three (1) in which a legal tribunal, an industrial arbitration court, is the principal instrument for the legal settlement of disputes, as under the Commonwealth act; (2) in which boards, composed, apart from the chairman, of employers and workers in, or representing, the trade concerned, take, with somewhat more narrowly defined duties, the place of the court as in South Australia and Tasmania; and (3) in which there has been evolved a combination of these two plans as now in New South Wales and in New Zealand. Victoria from this point of view forms a class apart, and in Queensland no legal restrictions of the right to the lockout or strike are imposed. Relevant legislation imposing fines on employers and loss of wages on employees in the case of noncompliance in coal-mining disputes, with the award of arbitrators appointed under the act, also exists in the Province of Nova Scotia.

Although much information is contained in the following pages as to the operation of the Dominion legislation described, no general conclusions as to its efficacy can well be drawn. The records illustrate the wide range of the application of the various laws, but an exact opinion as to the extent to which lockouts or strikes have been prevented by them would require more exhaustive and more intimate knowledge than is available as to the circumstances under which the reference of disputes to the various acts was made, and as to the extent to which the demands of those moving for such reference have been either conceded or refused.

The records of actual contraventions of the acts are incomplete and official returns of lockouts and strikes, whether involving infringements of the acts or not, are not systematically made.

As regards the responsibility for the enforcement of the acts, there is also some obscurity and there are few data indicating clearly where that responsibility lies; as to how it is usually interpreted; and as to the policy or practice adopted.

IV.

The dominion and foreign legislation have been classified in various ways, and the prevailing differences in their scope and aim are illustrated. Amongst the foreign countries covered by this return it will be observed that in Europe there are nine, the statute books of which comprise legislation specially designed to avert strikes on the part of those employed in public-utility services. While varying widely in range and stringency, these laws possess one characteristic in common, the workpeople to whom they relate are in every case placed on a footing different from that of the general body of industrial workers in respect to the right to engage in strikes, this right being either explicitly withheld or else subjected to specific limitations in its exercise.

Of the nine countries referred to, five have enacted laws absolutely prohibiting workpeople employed in certain public-utility services from engaging in strikes. These countries are Russia, Roumania, Holland, Belgium, and Italy. In Russia and Roumania the law covers the whole field of what may be termed

public-utility services, whether governmental or local. In Belgium it applies to all persons in the service of the State, including the railways, post office, telegraphs, and telephones; in Italy it applies to all persons in the service either of the State or of a railway company; while in Holland only those employed on main lines of the railway service are included. Three countries, viz, Spain, Portugal, and the Ottoman Empire, have enacted laws applicable to all public-utility services, and declaring concerted stoppages of work illegal unless certain conditions have previously been fulfilled. In Spain the conditions are that notice of the strike or lockout shall have been given to the authorities either eight days or five days beforehand, according to the nature of the undertaking, and that such notice be accompanied by a statement of the cause of the strike or lockout. The Portuguese law insists on 12 or 8 days' notice being given of the strike or lockout, according to the nature of the undertaking, and requires that such notice be accompanied by a statement of the causes or objects of the strike or lockout. Under the same law all "officials, public servants, or those receiving salaries from the State" incur the penalty of dismissal, if they combine to suspend work.

The last of the nine European countries that call for mention in this connection is France, where the only persons employed in public-utility services who incur legal penalties for participating in strikes are the engine-drivers, guards, and brakemen actually in charge of trains, and the outdoor staff of the postal service.

In the case of drivers, guards, and brakemen the penalty (imprisonment up to two years) is incurred only in the event of those officials deserting their posts before the train reaches its destination. In the case of the postal officials the penalties (of which dismissal from the service is the severest) are incurred by participants in any "collective or concerted refusal of service."

While attempts to avert strikes and lockouts in public-utility services by means of special laws withholding, or limiting the exercise of, the right to strike are confined to the nine countries just enumerated, there are two countries—Germany and Austria—where, so far as the railway, postal, and allied services are concerned, the exercise of such a right on the part of the staff is rendered impossible in practice by the policy pursued by the authorities toward any manifestations of trade union activity among members of these services—a policy based on the assumption that membership of a militant trade union is incompatible with loyalty to the department and with the safety of the State.

There are two examples of European legislation for the promotion of industrial peace which, although they can not, strictly speaking, be said to come within the purview of the present report, are, nevertheless, deserving of mention, since they embody a principle not yet adopted elsewhere in Europe, namely, that of creating permanent courts of arbitration equally representative of the interests of employers and of workpeople and endowed, under certain circumstances, with the powers of ordinary courts of justice as regards compelling the attendance of witnesses and the production of relevant documents. One of the two examples alluded to is furnished by Denmark and the other by the Swiss Canton of Geneva. Under the Danish law, the courts of arbitration have, moreover, the power to inflict and enforce penalties for nonobservance of agreements.

In the United States of America special measures for safeguarding public-utility services from interruptions due to strikes and lockouts have, from time to time, engaged the attention both of the Federal and the State legislatures. The laws specially enacted for this purpose are, however, concerned solely with the railway service, and in no case do they involve any derogation from the principle of freedom on the part of railway servants to engage in strikes, except in so far as engine drivers and other actually in charge of trains incur penalties of imprisonment or fine for deserting their posts before the train reaches its scheduled destination. Provisions of this nature, moreover, have found their way into the statute books of only eight States of the Union, namely, Connecticut, Delaware, Illinois, Kansas, Maine, Pennsylvania, New Jersey, and Texas. In three of these States (Delaware, Maine, and Pennsylvania) penalties of fine or imprisonment are also incurred by any railway servant who, for the purpose of furthering a strike on another railway, either within or without the State, refuses or neglects in the course of his employment, to aid in the movement of cars owned by the other railway over the lines of the railway by which he is employed.

The only example of Federal legislation enacted for the specific purpose of safeguarding public utilities from interruption arising out of strikes and lockouts is a law of June 1, 1898, relating to the arbitration of labor disputes on interstate railways. Under this law the President of the Interstate Commerce Commission and the Federal Commissioner of Labor are required, on the petition of either side, to endeavor to mediate whenever a dispute arises seriously interrupting or threatening to interrupt the business of any interstate railway undertaking. No power either of independent initiative or of compulsion is, however, reserved to the Government.

While "the right to strike for any cause or no cause is clearly and fully sustained by all authority" in the United States, injunctions are frequently issued by the American courts, restraining railway servants from striking on the ground that such action on their part is in contravention of the provisions of certain Federal statutes, more especially those of the antitrust act, the interstate commerce act, and the obstruction of mails act.

Finally it may be noted that the principle of investing permanent boards of arbitration with the powers of ordinary courts of justice as regards compelling the attendance of witnesses is one that has long been applied by many of the State legislatures of the American Union. In a few cases (Colorado, Illinois, Missouri, and Ohio) such boards are given power to enforce their awards. In no case, however, do the provisions as to enforcement of awards amount to compulsory arbitration. In all the four States mentioned the compulsion provided either can be applied only when both parties have voluntarily agreed to the arbitration or (in Missouri) it can be applied in the case of a party who did not accept arbitration only when that party has voluntarily acquiesced in the award.

The question as to how far, if at all, any of the foreign laws mentioned above as involving limitations of the principle of freedom to concert for the purpose of suspending work have, in practice, prevented the occurrence of strikes, is a question as to which no general conclusions can safely be drawn from available data; nor, so far as can be ascertained, does it appear that in any of the countries concerned the authorities have themselves attempted to formulate any conclusions on the subject.

V.

In the following summaries A, B, C, and D the legislation of the various countries has been classified mainly as regards its scope and the extent to which it deals with the regulation of industrial conditions.

In the first list (A) have been included those States in which a legal limitation of some description in the right of engaging in a lockout or strike has been imposed in any industry, a note being added as to whether the public utility services are also included in the scope of the acts, and, if so, as to whether there are any special provisions concerning these.

LIST A.

Form of limitation.

The Commonwealth of Australia	All disputes extending beyond the borders of any one State.
Western Australia	All industries, etc., including public utilities, "in which workers are employed."
South Australia	Miscellaneous trades in which wage boards have been formed or in which agreements have been filed under the act.
Tasmania	As in South Australia, but with no provision relating to filed agreements.
New South Wales	Miscellaneous industries, etc., including public utilities, with special provisions applying to these and to foods which are regarded as "necessary commodities."
Victoria	As in South Australia, but with a distinctive form of penalty and with no provision relating to filed agreements.
New Zealand	Miscellaneous industries, etc., including public utilities, with special provisions applying to these and to those engaged in the supply of milk, meat, and coal.
Canada	Mining and public-utility services.
The Province of Nova Scotia	Coal mining.
Transvaal	Various industries, including the public-utility services, but omitting railways, which are dealt with under special legislation.

The following list (B) includes those States in which acts have been adopted with a wider scope, but which include special provisions relating to the public utility services:

LIST B.

New South Wales.
New Zealand.

Canada.
The Transvaal.

Finally, as regards scope, a list (C) is given of those States in which a limitation of the right to resort to the lockout or strike is contained in clauses which refer exclusively to the public utility services, or to some section thereof:

LIST C.

Form of limitation.

Russia-----	Concerted stoppages forbidden.
Roumania-----	Do.
Holland-----	Do.
Belgium-----	Do.
Italy-----	Do.
Spain-----	Compulsory notice required prior to stoppage.
Portugal-----	Do.
The Ottoman Empire-----	Compulsory conciliation required prior to stoppage.
France-----	Stoppages forbidden as regards the railway traveling staff in certain cases.
State of Connecticut-----	Do.
State of Delaware-----	Do.
State of Illinois-----	Do.
State of Kansas-----	Do.
State of Maine-----	Do.
State of New Jersey-----	Do.
State of Pennsylvania-----	Do.
State of Texas-----	Do.

In the last nine cases no appreciable limitation of the right to combined action is imposed. In addition, the case of the United States of America may be mentioned, where, as regards the railway service, a virtual limitation of the right to strike may be said to result from the practice of the courts in granting injunctions under the antitrust act, the interstate commerce act, and the obstruction of mails act, and where the machinery for arbitration in respect to interstate railway disputes is provided by a special act.

A list of those States or countries in which, under the acts with which this return is concerned, machinery is created for the settlement of disputes, or for determining the conditions of employment, would be identical with those contained in list A, save that the State of Queensland would have to be added.

In the States contained in the following list D, the acts make it obligatory to comply with such conditions of employment as may be prescribed by the statutory machinery set up or as may be contained in agreements filed under the acts:

LIST D.

The Commonwealth of Australia.
Western Australia.
South Australia.
Tasmania.
New South Wales.

Victoria.
Queensland.
New Zealand.
Denmark.
Geneva.

The foregoing analyses give in general outline a conspectus of the body of legislation dealt with so far as its main features are concerned.¹

A detailed history and analysis of the legislative enactments and administrative orders effective in the leading countries of the world, together with statistics as to the practical operation of certain laws, are set forth in the sections which follow.

¹ Strikes and Lockouts. Memorandum prepared from information in the possession of the labor department of the board of trade relating to the text and operation of certain laws in the British dominions and foreign countries affecting strikes and lockouts, with especial reference to public-utility services. London, 1912.

III. CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT OF 1907.

CANADIAN LEGISLATION RELATIVE TO INDUSTRIAL DISPUTES.

HISTORY OF LEGISLATION.

The beginning of legislation in Canada concerning industrial disputes dates back to the year 1900. The conciliation act was passed in that year. It provided for the establishment of a department of labor and a minister of labor, with certain designated powers and duties, and for the institution under the direction of the minister of a system of conciliation boards for the peaceable adjustment of industrial disputes. The provisions of the law relating to conciliation boards and industrial controversies were based on the British conciliation act of 1896, and proceeded in general along the lines of the earlier English legislation. The practical activities of the new department, however, were limited to the mediation of a number of industrial disputes and to the collection of statistical and other data concerning the industrial situation. No conciliation boards were established, and the provisions of the law relative to these tribunals were inoperative, due in the main to the lack of facilities of the newly created department of labor and to the pressure of other matters requiring attention.

Further legislation was had in 1903. This was known as the railway disputes act. Its provisions applied to the railroads and to industries affecting the transportation service. This legislation provided for mediation and conciliation of railway wage disputes, and where that failed for compulsory investigation and report by a board under conditions similar to those afterwards incorporated in the industrial disputes investigation act of 1907. The act of 1903, however, placed no restraint on the right to strike or to lockout. Moreover, no board of investigation could be established without the request of at least one of the parties to the dispute. The Government could not appoint a board on its own initiative. This legislation in general was fruitless. Only one dispute was referred for adjustment under its provisions.

During the year 1906 the conciliation act of 1900 and the railway disputes act of 1903 were consolidated. They were afterwards known as the conciliation and labor act.

One year later the legislation relating to the settlement of industrial disputes, which with the addition of some later amendments is in operation at the present time, was passed by the Canadian Parliament. This is commonly known as the industrial disputes investigation act of 1907. The intent and scope of this new legislation is well described by its complete title, which is "An act to aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities." This new law was brought about by a prolonged coal strike in Alberta, which resulted in a shortage of coal in Alberta and Saskatchewan. The public were aroused to the necessity of devising means to prevent strikes or lockouts of such a nature as were detrimental to the public welfare, and the outcome was the imposing of a limitation of the right to strike or lockout in certain public utilities.

DIGEST OF INDUSTRIAL DISPUTES INVESTIGATION ACT OF 1907.

The scope of the law of 1907 applied directly to employers or employees engaged in mining, transportation, communication, or public-service utilities. Indirectly, upon the request of both parties to a controversy, the provisions of the law may be applied to any branch of industry. Employers and employees are required to give at least 30 days' notice of proposed changes in wages or hours of labor. Provision is made for the establishment of boards of investigation on the application of either party to a dispute and for mediation and compulsory investigation and a public report by such a board. Strikes and lockouts are prohibited until the investigation and report of the board are made. After this procedure strikes and lockouts are legal. A complete analysis of the provisions of the law is given below.¹

CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

SCOPE OF LAW.

(a) Employers: Persons, companies, or corporations employing 10 or more persons in mining, transportation, communication, or public-service utilities. Other classes may be included in motion of either party, with the consent of the other.

(b) Employees: Skilled or unskilled, manual or clerical, in the employments named.

ADMINISTRATION.

(a) The minister of labor.

(b) The registrar of boards of conciliation and investigation, appointed by the governor in council.

(c) Boards of conciliation and investigation, appointed by the minister of labor, one member being nominated by each party to the dispute and the third by these two. If nominations are not made in due time, the minister appoints on his own motion.

MATTERS COGNIZABLE.

Differences as to conditions of work; or privileges, rights, and duties of employers and employees, including wages, hours, age, sex, and qualifications of employees; employment, nonemployment, or dismissal of any class of employees; preference as to union labor or citizens; bad materials, local or trade customs, etc.

JURISDICTION OBTAINED.

By request of either party for the appointment of a board of conciliation and investigation.

Declaring or causing a lockout, or going on a strike, or inciting, encouraging, or aiding such action prior to or during a reference to a board is unlawful and subjects the violator to a fine.

PROCEDURE.

(a) Investigation and suggestions to induce a fair and amicable settlement, which failing—

(b) The board reports to the minister of labor its own action and proceedings, the facts and circumstances of the dispute, and the findings of the board as to the cause and suitable terms of settlement.

APPLICATION FOR APPOINTMENT OF A BOARD.

(a) Must be in writing, in a prescribed form, and be signed by a person or persons having authority to bind the party making the application.

¹For a complete text, see pp. 99 et seq.

RAILWAY STRIKES AND LOCKOUTS.

(b) Must set forth the parties to the dispute and an estimate of the number of persons affected or likely to be affected by it.

(c) Must state the nature and cause of the dispute, and the efforts made by the parties to adjust it.

(d) Must be prepared in duplicate, one copy to be transmitted to the registrar, and one to the other party to the dispute.

(e) Must be replied to by the second party, one copy of the reply being transmitted to the registrar, and one to the party making the application. (There appears to be no penalty for failure to make reply.)

References may be had on the application of either party, and may proceed with or without the assent or even the presence of the other party if absent without good cause shown, though any party may be summoned as a witness and compelled to give evidence.

DUTIES AND POWERS OF THE MINISTER OF LABOR.

(a) To have general administration of the act.

(b) To decide as to the application of the act to any particular dispute.

(c) To appoint boards of conciliation and investigation.

(d) To receive and publish the reports and recommendations of such boards.

(e) To determine as to the appointment of clerical and other assistants, and the compensation allowed them.

DUTIES AND POWERS OF THE REGISTRAR.

(a) To receive and register all requests for the appointment of a board, refer the same to the minister of labor, and take such steps as may be necessary to secure the speedy establishment of a board.

(b) To notify the parties to a dispute of the appointment of a board, and furnish the board with a copy of the application for its appointment.

(c) To receive and file all reports and recommendations of boards, and seek to render them effective.

(d) To keep a register of all particulars and proceedings, and safely keep all papers and documents relating thereto.

(e) To furnish blank forms, forms of summons, etc., and generally to do all things needful to carry out the act and the regulations under it.

DUTIES AND POWERS OF BOARDS OF CONCILIATION AND INVESTIGATION.

(a) To endeavor to settle the dispute referred to it, by inquiry into its merits and all matters affecting its right settlement, making such recommendations and taking such action as seems right and proper to that end.

(b) If a settlement is arrived at, to draw up a memorandum of the same, to be signed by the parties.

(c) If no settlement is reached, to make a report of the facts, circumstances, and findings, stating the steps taken for their discovery, and making recommendations for the settlement of the dispute according to the merits of the case. A minority report may also be made.

(d) To administer oaths, summon and enforce the attendance of witnesses, require the production of books, papers, etc., and to take into custody any person who is in contempt of the board.

(e) To inspect in person or by an appointee any place of employment, materials, machinery, or appliances which are or are not related to the subject of a reference to the board.

The parties to a dispute may appear in person, by representatives (not more than three), or, if the opposing party and the board give their consent, by counsel or solicitors. No testimony or proceeding before a board may be admitted as evidence in any court, except in prosecutions for perjury.

AWARDS, REPORTS, AND RECOMMENDATIONS.

Reports are to be transmitted to the registrar and by him to the minister, who shall furnish each party with a copy of the same. Copies shall also be published in the Labor Gazette and the annual report of the department, and be furnished to any newspaper applying for it, and may be otherwise distributed in such manner as may seem desirable to secure a compliance with the recommendations of the board. Minority reports may be distributed in the same manner.

Either party may agree in writing to be bound by the recommendations made or to be made by the board, which agreement shall be communicated to the other party; if accepted by such party it then becomes binding and enforceable in the same manner as an award in arbitration had on the order of a court of record. Prior amicable agreements of settlement may be likewise signed and made binding.

APPEALS.

The nature of the procedure does not make appeals in place.

ENFORCEMENT.

No provision is made for the enforcement of recommendations otherwise than by publicity. Where settlements or recommendations are agreed to and the agreements signed, they have the force of a rule of court, and are enforceable as such.

OPERATION OF THE LAW.

From the time of the passage of the act up to October 18, 1916, a total of 212 disputes were referred for adjustment under its provisions. The number of strikes not averted or ended was 21. In approximately 90 per cent of the cases brought under the act, therefore, its provisions were effective so far as actually preventing strikes was concerned. An inquiry of the Canadian authorities in 1915 as to the outcome of strikes which occurred legally after the reports of boards of investigation had been made, showed that settlements were "ultimately effected closely, if not wholly, on the lines recommended by the boards."

The table which is submitted below, shows, by the classes of industries affected, the results of the operation of the act in summary form, up to October 18, 1916.

DIGEST OF OPERATIONS UNDER THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

Proceedings from Mar. 22, 1907, to Oct. 18, 1916.

Industries affected.	Number of disputes referred under act.	Number of strikes not averted or ended.
I. Disputes affecting mines and public utilities:		
1. Mines—		
(a) Coal.....	44	6
(b) Metal.....	15	5
Total mines.....	59	11
2. Transportation and communication—		
(a) Railways.....	85	7
(b) Street railways.....	27	2
(c) Shipping.....	11	0
(d) Commercial telegraphy.....	3	0
(e) Telephones.....	2	0
Total transportation and communication.....	128	9
3. Light and power.....	4	0
4. Municipal public utilities.....	9	1
Total affecting mines and public utilities.....	200	21
II. Disputes affecting other than mines and public utilities.....	12	0
Total.....	212	21

The total number of boards of conciliation and investigation established under the act during the period March 22, 1907, to October 18, 1916, was 182. Of the

212 cases in which application was made for the establishment of a board of conciliation and investigation—

167 were reported upon by boards.

29 were settled without the establishment of boards.

8 were settled while board was in process of constitution.

1 board was restrained by the court of review from proceeding with its investigation.

6 are being dealt with by boards at the present time.

1 is being held in abeyance to permit of a probable settlement.

The following table shows by calendar years the number of applications received under the act, the number of boards granted, and the number of disputes in which strikes were not averted or ended:¹

Proceedings by calendar years, 1907-1916.

	¹ 1907	1908	1909	1910	1911	1912	1913	1914	1915	² 1916	Total
Number of applications.....	25	27	22	28	21	16	18	18	15	22	212
Number of boards granted.....	22	25	21	23	16	16	15	18	12	14	182
Number of disputes where strike not averted or ended...	1	1	4	4	4	3	1	1	1	1	21

¹ The act became law on Mar. 22, 1907, so that the proceedings cover 9 months only.

² To Oct. 18, 1916.

PROVISIONS OF ACT EXTENDED AS A WAR MEASURE.

By authority secured under the war-measures act, the provisions of the industrial disputes act, by an order in council, were extended to all industries engaged in any way in the production of munitions of war, equipment for soldiers, the building and repairing of ships, and in supplying war materials of all kinds.

The terms of the order in council extending the provisions of the industrial disputes investigation act to disputes in industries concerned in war work are as follows:

P. C. 680.

AT THE GOVERNMENT HOUSE AT OTTAWA.

Thursday, the 23d day of March, 1916.

Present: His Royal Highness the Governor General in council.

His Royal Highness the Governor General in council is pleased, in virtue of the war-measures act, 1914, to order that the provisions of the industrial disputes investigation act, 1907, other than section 63 thereof, shall specifically apply in the case of any dispute between employers and any employees engaged in the construction, production, repairing, manufacture, transportation, or delivery of ships, vessels, works, buildings, munitions, ordnance, guns, explosives, and materials and supplies of every nature and description whatsoever, intended for the use of His Majesty's military or naval forces or militia, or for the forces of the nations allied with the United Kingdom in the present war, if such dispute threatens to result in a strike or lockout.

(Signed)

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

The honorable the MINISTER OF LABOR.

As the result of this action no serious strike occurred during the fiscal year 1916 in any of the industries affected.

PROPOSED CHANGES IN THE LAW.

Modifications of the existing law are now under consideration by the Canadian minister of labor. In this revised draft an effort has

¹ For a detailed account of proceedings held under the act, by specific cases, see pp. 28 et seq.

been made to meet objections which have arisen in connection with the operation of the law since 1907. One of the most important objects has been to prevent delays in the procedure for applications for boards and the elimination of the requirement of a costly strike ballot before an application for a board could be made. Provision is also made for the interpretation of awards, which was entirely lacking in the original law, by authorizing the reconvening of a board to pass upon any disputed point. The option accorded in railway controversies of referring the dispute to the provisions of the railway disputes act of 1903, or the industrial disputes investigation act of 1907 is also eliminated, all disputes being now brought under the one act. Important additions, in large measure borrowed from Australasian experience, are also made to the law. Among these, the most noteworthy are those making provision for the registration of industrial agreements, and the requirement of a secret vote by ballot before a strike may be started. The leading changes and additions proposed are thus summarized in the draft of the new measure which has been published by the Canadian department of labor.¹

In the bill now submitted for consideration endeavor has been made to remove a number of objections to the 1907 act and to remedy its defects, and a number of new provisions relating to industrial agreements, false representations, and other matters have been added. * * *

The unnecessary duplication of procedure in respect of railway disputes is removed, all such disputes being now brought under the one act. The main provisions respecting the appointment and proceedings of boards and the prohibition of lockouts and strikes are still as heretofore confined to public utilities and mining; but where both parties agree to the appointment of a board, such board may be appointed in respect of a dispute in any industry, whatever its nature. In long-continued or serious disputes in any industry, where neither of the parties applies for a board, the minister is given power to act on the application of any municipality interested, or of his own motion, and establish a board or cause inquiry to be made in some other way.

The definitions and other parts of the 1907 act which have been found to be defective and inadequate have been redrafted and added to, much assistance in this respect being obtained from the Australian and New Zealand acts.

Endeavor has been made to make the procedure respecting applications for boards more simple and speedy, and it is provided that technical defects shall not invalidate applications and that the establishment or proceedings of boards shall not be restrained or prohibited by the courts. It is not hereafter to be necessary to obtain authority for a strike before applying for a board.

A strike or lockout shall not, nor where application is made for a board within the time limited shall any dismissal, cause an employee to cease to be an employee for the purposes of the act.

Where any question arises as to the meaning or application of any recommendation of a board, the board may be reconvened to give its opinion or interpretation upon the point.

The provisions respecting notice of a change in wages or hours have been remodeled and made more comprehensive and effective, and the onus is put upon the party seeking to make the change of applying for a board where the other party does not consent to the change.

A secret vote by ballot is required to be taken before a strike.

Provision is made for registering industrial agreements, and lockouts or strikes in public-utility industries are forbidden where such agreements are in force, but either party may be relieved from the agreement by the report of a board.

The new measure proposed has not as yet been introduced into Parliament, and in order to avoid controversy may not be introduced until after the termination of the present European war.

¹ For a complete draft of the new law proposed, see pp. 109-132.

IV. SUMMARY STATEMENT RELATIVE TO THE OPERATION OF THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907-1916.

I. INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907.

PROCEEDINGS, 1907-8.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Mar. 22, 1907, to Mar. 31, 1908.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (W) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1907 Apr. 8 ¹	Cumberland Ry. & Coal Co. and employees.	Employees.	Springhill, N. S.	700	Concerning employment of nonunion workmen.		1907.	1907.	On Apr. 1 employees went on strike. It was alleged by employees that they were under impression that the mines of Nova Scotia were exempt from provisions of act. When it was explained that the act applied to all Canada, employees returned to work Apr. 8. Difficulty amicably settled. No board constituted.
Apr. 9 ¹	Canada West Coal & Coke Co. and employees.	do.	Taber, Alta.	150	Concerning hours of labor.				On Apr. 1 employer locked out employees. Employer alleged that this was done in ignorance of provisions of act. When informed of provisions

RAILWAY STRIKES AND LOCKOUTS.

of act by department, mines were reopened on Apr. 18. Subsequently an amicable settlement was effected through intervention of Mr. J. D. McNiven, fair-wages officer of department. No board constituted.

Employees went on strike in the several mines while proceedings were pending in connection with the establishment of the boards of conciliation and investigation, in consequence, it was alleged, of misunderstandings which arose through ignorance of the provisions of the act. The deputy minister of labor left for Fernie on Apr. 19 to explain to the parties the provisions of the law. While in Fernie, the parties consented to his intervention as a conciliator under the conciliation act, 1900, and an agreement was effected on May 4. The boards convened at Fernie on Apr. 30, but adjourned proceedings pending investigations by the deputy minister. On May 6 the boards reconvened to receive from the parties a formal statement that the differences had been adjusted, a further cessation of work being thereby averted. An important feature of the settlement was the establishment of a standing committee of conciliation between the employers and employees, to which future differences were to be referred.

[illegible]

¹ It is important to note in connection with these disputes that the industrial disputes investigation act was not assented to till Mar. 22, 1907. It was some weeks later before copies of the act were available for distribution. Its provisions in consequence were not fully known by the parties at the time these disputes occurred.

² Applications for a board were received also from the employers, parties to this dispute.

² Applications for a board were received also from the employers, parties to this dispute.

RAILWAY STRIKES AND LOCKOUTS.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Mar. 22, 1907, to Mar. 31, 1908—Continued.

I. MINING AND SMELTING INDUSTRY—Continued.

1. COAL MINES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1907. May 8	Cumberland Railway & Coal Co. and employees.	Employees.	Springhill, N. S.	1,700	Concerning payment for work in counter levels and stone in pillar work.	Hon. Justice Graham (C); P. S. Archibald (E); J. R. B. Murray (M) 1.	1907. May 17	1907. July 13	Board being unable to effect a settlement by conciliation, presented a report signed by the chairman and Mr. Archibald. Minority report was presented by Mr. Murray. The recommendations of the board were not accepted by the employees. The strike which was threatened prior to the application for board on May 8 was averted for the time being, but took place on Aug. 1, continuing until Oct. 31, when the employees returned to work on the conditions recommended in the report of the board.
May 27	Alberta Railway & Irrigation Coal Co. and employees of coal mines.	do.	Lethbridge, Alta.	400	Concerning conditions of employment.				A amicable settlement including agreement as to conditions of employment and establishment of a standing committee of conciliation effected between parties while board was in process of constitution, strike being thereby averted.
July 12	Cumberland Railway & Coal Co. and employees.	do.	Springhill, N. S.	1,700	Concerning wages and other conditions of employment.	Hon. Judge Patterson (C); J. P. S. Archibald (E); J. R. B. Murray (M) 1.	July 27	Sept. 21	Employees declared a strike on Aug. 1, in reference to question of payment for stone in pillar work, having refused to accept the recommendations of the board appointed May 17 to deal with this subject. In virtue of this strike proceedings before the board were suspended until Sept. 9.

Sept. 11	Hillcrest Coal & Coke Co. (Ltd.) and employees.	do.	Hillcrest, Alta.	70	do.	Hon. W. C. Fisher (C), 4; J. R. McDonald (E), 1; F. H. Sherman (M), 1.	Sept. 24	Nov. 4	The board sat for two days, and presented an interim report. The strike ended on Oct. 31, the employees returning to work on the conditions recommended in the report of the first board. The report of the board was accompanied by a minority report by Mr. Sherman. Though neither report was formally accepted by the parties, settlement was reached in consequence of the inquiry by the board, and a strike thereby averted.
Sept. 16	Hosmer Mines and employees.	do.	Hosmer, British Columbia.	100	do.	Hon. Judge Wilson (C), 4; F. B. Smith (E), 1; F. H. Sherman (M), 1.	Sept. 30	Oct. 21	The board presented a unanimous report, which, though not formally accepted by the parties, formed the basis of an agreement subsequently reached by them and reported to the department, a strike being thereby averted. Differences adjusted, and agreement concluded before board, dating from Dec. 9, 1907, until Mar. 31, 1909, a strike being thereby averted.
Nov. 5	Canada West Coal & Coke Co. and employees.	do.	Taber, Alta.	150	Concerning wages, hours, and other conditions of employment.	Hon. Justice Stuart (C), 4; S. A. Jones (E), 1; F. H. Sherman (M), 1.	Nov. 20	Dec. 20	Differences adjusted, and agreement concluded before board, dating from Dec. 9, 1907, until Mar. 31, 1909, a strike being thereby averted.
Nov. 5	Domestic Coal Co. and employees.	do.	do.	50	do.	Hon. Justice Stuart (C), 4; R. Duggan (E), 1; F. H. Sherman (M), 1.	do.	Dec. 28	Differences adjusted, and agreement concluded before board, dating from Dec. 9, 1907, until Mar. 31, 1909, a strike being thereby averted.
5	Duggan, Huntrods & Co. and employees.	do.	do.	40	do.	Hon. Justice Stuart (C), 4; J. Shorthouse (E), 1; F. H. Sherman (M), 1.	do.	do.	Do.
Nov. 12	Strathcona Coal Co. and employees.	do.	Edmonton, Alta.	40	do.	G. Montgomery (C), 3; F. L. Ginter (E), 1; F. H. Sherman (M), 1.	Dec. 2	do.	Differences adjusted and agreement concluded before board, dating from Sept. 23, 1907, until Mar. 31, 1909, a strike thereby being averted.
Nov. 21	Cumberland Railway & Coal Co. (Ltd.) and employees.	do.	Springhill, N. S.	1,700	Concerning wages and other conditions of employment.	Hon. Judge Patterson (C), 4; R. B. Murray (M), 1; Hiram Donkin (E), 1.	Dec. 24	1908, Jan. 21	The board presented a unanimous report, which the employees expressed a willingness and the company an unwillingness to accept. No further cessation of work took place.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Mar. 22, 1907, to Mar. 31, 1908—Continued.

I. MINING AND SMELTING INDUSTRY—Continued.

1. COAL MINES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board constituted.	Date of receipt of report of board.	Result of reference.
1908. Jan. 4	Dominion Coal Co. (Ltd.) and members of the Provincial Workmen's Association.	Employees.	Dominion, C. B. . .	7,000	Concerning wages and conditions of employment.	Prof. A. Short (C), 4; J. Dix Fraser (E), 1; Dr. A. Kendal, M. P. P. (M), 1.	1908. Feb. 18	1908. Mar. 23	Differences adjusted and an agreement concluded before the board, effective from Mar. 16, 1909, to Dec. 31, 1909, strike being thereby averted.
Feb. 10	John Marsh, John Howells, Stevens Bros., coal mine operators, dealt with as a whole, and employees.	do.	Woodpecker, Alta.	100	do.	Hon. Justice Stuart (C), 3; W. E. Bullock (E), 1; F. H. Sherman (M), 1.	Feb. 25	Apr. 6	The report of the board stated that the act did not apply in this case, the mines having closed down for lack of orders before the investigation occurred. A wage scale was, however, recommended. The report was accompanied by a minority report, making other recommendations.
Mar. 16	Western Dominion Collieries (Ltd.) and employees.	do.	Taylorton, Sask. . .	90	Concerning wages and hours.	Hon. Judge Myers (C), 4; J. O. Hannah (E), 1; F. H. Sherman (M), 1.	Apr. 10	May 5	Differences adjusted and agreement concluded before board, effective from May 1, 1908, to May 1, 1909, a strike being thereby averted.
16	Manitoba & Saskatchewan Coal Co. (Ltd.) and employees.	do.	Bienfait, Sask. . .	50	do.	Hon. Judge Dawson (C), 4; G. C. Crowe (E), 1; F. H. Sherman (M), 1.	Apr. 22	Dec. 8	The report in this case appears, as represented to the department, to have been mislaid by one of the members of the board and an unusual delay occurred thereon in its presentation. The board disagreed in its findings, but no cessation of work was reported.
Mar. 23	Cumberland Railway & Coal Co. (Ltd.) and employees.	do.	Springhill, N. S. . .	1,600	Concerning wages . . .	Hon. Judge Wallace (C), 4; Hon. John Armstrong (E), 2; R. B. Murray (M), 1.	Apr. 29	May 26	The report found against the claims of the men, and was accompanied by a minority report, finding generally, but not wholly, in favor of the

men. The employees declared the minority report acceptable to them. No cessation of work was reported.

2. METAL MINES.

1907. Sept. 12	Canadian Consolidated Mining & Smelting Co. and employees.	Employees..	Moyle, B. C.....	400	Concerning wages and hours.	Hon. Judge Wilson (C), 3; J. A. Harvey (E), 1; S. S. Taylor, K. C. (M), 1.	1907. Sept. 23	1907. Dec. 28	The board, after exhaustive inquiry into mining conditions in British Columbia, presented a unanimous report, the recommendations of which were of general application to the metal-mining industry in the Province of British Columbia. A settlement based on the recommendations was effected between the company and its employees, and a strike thereby averted. The inquiry, moreover, had the effect of influencing the settlement of other differences in the industry in other parts of the Province.
Dec. 9	McKinley-Darragh Mining Co. (Ltd.) and its employees.	do.....	Cobalt, Ont.....	120	Concerning wages...	Prof. A. Shortt (C), 3; E. C. Kingswell (E), 1; John A. Welch (M), 1.	Dec. 21	1908. Jan. 22	A unanimous report was presented by the board, making recommendations for the settlement of the dispute. The findings of the board were not formally accepted by the parties, but the investigation by the board is believed to have been beneficial to the camp as a whole and no cessation of work was reported.
1908. Jan. 9	Temiskaming & Hudson Bay Mining Co. (Ltd.) and its employees.	do.....	do.....	50	Concerning wages and hours.	Prof. S. J. Maclean (C), 4; M. F. Pumaville (E), 1; C. B. Duke (M), 1.	1908. Jan. 31	1908. Feb. 13	Unanimous report was presented by the board, making recommendations for the settlement of the dispute. The findings of the board were accepted by the men, but not by the company. No cessation of work was, however reported.

Statement of applications for boards of conciliation and of proceedings thereunder from Mar. 22, 1907, to Mar. 31, 1908—Continued.

II. TRANSPORTATION AND COMMUNICATION

1. RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chair-man; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1907. Apr. 20	Grand Trunk Railway Co. of Canada and machinists.	Employees...	Montreal, Ottawa, Toronto, Stratford, etc.	400	Concerning schedule involving wages, hours, apprenticeship, reinstatement of former employees, etc.	Prof. A. Shortt (C), 4; W. Nesbitt, K. C. (E); J. G. O'Donoghue (M), 1.	1907. May 4	May 21	Differences adjusted, and agreement concluded before board for period of 1 year from May 1, strike being thereby averted.
June 27	Grand Trunk Railway Co. of Canada and its locomotive engineers.	.....do.....	.....do.....	1,300	Concerning schedule of wages and rules.	Prof. A. Shortt (C), 4; W. Nesbitt, K. C. (E); J. Cardell (M), 1.	July 18	16	Differences adjusted, and agreement for 3 years concluded before board, a strike being thereby averted.
July 10	Intercolonial Railway of Canada and freight handlers in its employ at Halifax, N. S.	.....do.....	Halifax, N. S.....	250	Concerning wages and classification of employees.	Prof. W. Murray (C), 3; Henry Holgate (E); R. E. Finn, M. P. (M), 1.	July 23	Aug. 12	On June 29 employees went on strike, and when informed that provisions of act applied both parties agreed to refer the differences under the act, and employees returned to work. On the request of the parties proceedings were subsequently adopted under the conciliation and labor act, and a settlement effected, the terms of which were made applicable to the railway's employees at St. John, N. B., as well as at Halifax, N. S., and further cessation of work was thereby averted.
Sept. 5	Canadian Pacific Railway Co. and railroad telegraphers.	.....do.....	On all lines of Canadian Pacific Railway in Canada.	1,656	Concerning schedule of wages and rules.	Prof. A. Shortt (C), 3; W. Nesbitt, K. C. (E); J. G. O'Donoghue (M), 1.	Sept. 16	Oct. 12	Differences adjusted, and agreement concluded before board, dating from Oct. 1, a strike being thereby averted.
Nov. 19	Grand Trunk Railway Co. and railroad telegraphers.	Employer...	Montreal, Que.....	300	Concerning wages and other conditions of employment.	.....do.....	Nov. 30	Jan. 23	Differences adjusted, and agreement concluded before board, dating from Jan. 1, 1908, a strike being thereby averted.

Nov. 22	Canadian Pacific Railway Co. and carmen employed by company on western lines.	.....do.....	Western lines.....	1,215	Concerning wages and hours.	Prof. Odium (C); A. M. Nanton (E); J. H. Moly (M), 1.	Nov. 26	Dec. 23	The board presented a unanimous report recommending a basis of settlement which was subsequently, in correspondence with the department accepted by both parties, and a strike thereby averted.
Dec. 19	Canadian Northern Railway Co. and firemen, engine-men, and hostlers in its employ.	Employees..	Winnipeg and territory along Canadian Northern Railway.	359	Concerning relations of union to employer.	Prof. A. Shortt (C); F. H. Richardson (E); J. G. O'Donoghue (M), 1.	1908. Jan. 8	1908. Jan. 26	Differences amicably adjusted before the board and a strike thereby averted.
1908. Jan. 8	Grand Trunk Railway and carmen in its employ.	.....do.....	Grand Trunk Railway System.	800	Concerning wages and conditions of labor.	Prof. A. Shortt (C); J. Wallace Nesbitt (E); J. G. O'Donoghue (M), 1.	Jan. 28	Feb. 28	Do.

2. STREET RAILWAYS.

1908. Jan. 31	Hamilton and Dundas Railway Co. and Hamilton Road and Hamilton Co. and Hamilton & Burlington Railway Co. and employees.	Employees..	Hamilton, Ontario.	120	Concerning relations of union to employing companies.	Hon. Judge Mondk (C); Wm. Bell, K.C. (E); J. G. O'Donoghue (M), 1.	1908. Feb. 17	1908. Apr. 8	Report of the board was opposed to the claims of the men and was accompanied by a minority report from Mr. O'Donoghue, generally sustaining the claims of the men. Neither report was acceptable to both parties, but the effect of the investigation appeared to bring a better understanding between the parties, and no cessation of work was reported.
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3. SHIPPING.

1907. May 15	Shipping Federation of Canada and longshoremen of Montreal.	Employers..	Montreal, Quebec.	1,500	Demand for increase in wages.	Archbishop Bruce (C); G. W. Stephens (E); J. Jos. Alney (M), 1.	1907. June 7	1907. June 17	On May 18 employees went on strike, notwithstanding provisions of act, and employers on May 18 withdrew application for board.
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Statement of applications for boards of conciliation and of proceedings thereunder from Mar. 22, 1907, to Mar. 31, 1908—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

SHIPPING—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1907. May 25:	Shipping Federation of Canada, Canadian Pacific Railway Co. and longshoremen of Montreal.	Employers..	Montreal, Quebec.	1,600	Demand for increase in wages.		1907.	1907.	On May 15, Mr. F. A. Acland, the then secretary of the department, went to Montreal to explain the provisions of the act to the parties to the dispute. As the result of Mr. Acland's intervention the employees returned to work and agreed to refer the dispute under the Industrial disputes investigation act, and a formal application was made by the employees for the establishment of a board. A unanimous report was made by the members of the board and an agreement recommending employment for the season of 1907 and 1908. The union did not formally accept the recommendations of the board, but the members, with the exception of a few, signed individual agreements with the employers, based upon the recommendations of the board, and a further cessation of work was thereby averted.

May 31	Furness Withy Co., Gunsard & Co., Pickford, Black & Co., and longshore- men.	.....do.....	Halifax, N. S.....	500	Concerning wages. Increase of 5 cents per hour demand- ed by men 24 cents offered by compa- nies, but refused.	James Hall (x), 1; Philip Ring (x), 1.	.....	On May 26, employees went on strike, alleging subsequently that they had no knowledge of the existence of the provisions of the act. Mr. V. Du Breuil, fair-wages officer of the department, was sent to Halifax to explain the provisions of the act. A board was requested as a result of the explanations given, and while being constituted the dispute was amicably settled. Mr. Du Breuil lending the good offices of the department as a conciliator. A further cessation of work was thereby averted, as was also the necessity of further proceedings in connection with the establishment of the board.
1908. Mar. 6	Dominion Marine As- sociation and Lake Seamen's Union.	Employees..	Kingston, Onta- rio, and ports of Great Lakes.	450	Concerning wages and conditions of employment.	Prof. A. Shortt (c); Jas. Stew- art (x); 2: John A. Fleet (x), 1.	1908. Apr. 1	Differences amicably arranged before the board and strike thereby averted.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.²

1907. Aug. 26	Montreal Cotton Co. and employees.	Employees..	Valleyfield, Que- bec.	2,200	Concerning condi- tions and wages.	Hon. Justice For- tun (c); 4: Dun- can McCormick, K. C. (x), 1; W. Paquette (x), 1.	1907. Sept. 4	The employees went on strike on Aug. 13, and the good offices of the department were requested with a view to effecting a settlement. Mr. F. A. Acland, the then secre- tary of the department, and Mr. V. Du Breuil, fair-wages officer, visited the scene of the dispute and explained the provisions of the act to the parties, with special reference to the sections enabling a dispute in any industry other than that of a mine or public utility to be referred, by mutual agreement between the disputing parties, to a board of conciliation and investigation. As a result of the explanations and efforts at conciliation on the part of the officers of the department, an application for a board was forwarded to the minister, and employees in the meantime returning to work on Aug. 26. The board was duly established, with the result that the differences were adjusted and an agreement concluded before the board dating from Sept. 17, 1907, to be effective until May 4, 1908, and thereafter until either side be given a written notice of cancellation of the same. A feature of the agreement was the establishment of a permanent committee of conciliation to which it was agreed that all subsequent disputes should be referred.
1907. Sept. 24							1907. Sept. 24	The employees went on strike on Aug. 13, and the good offices of the department were requested with a view to effecting a settlement. Mr. F. A. Acland, the then secre- tary of the department, and Mr. V. Du Breuil, fair-wages officer, visited the scene of the dispute and explained the provisions of the act to the parties, with special reference to the sections enabling a dispute in any industry other than that of a mine or public utility to be referred, by mutual agreement between the disputing parties, to a board of conciliation and investigation. As a result of the explanations and efforts at conciliation on the part of the officers of the department, an application for a board was forwarded to the minister, and employees in the meantime returning to work on Aug. 26. The board was duly established, with the result that the differences were adjusted and an agreement concluded before the board dating from Sept. 17, 1907, to be effective until May 4, 1908, and thereafter until either side be given a written notice of cancellation of the same. A feature of the agreement was the establishment of a permanent committee of conciliation to which it was agreed that all subsequent disputes should be referred.

¹ The two applications here recorded are regarded as one in the tabular statement.² These disputes were referred to a board of conciliation and investigation under section 63 of the act, which provides that "in the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree, in writing, to allow such dispute to be referred to a board of conciliation and investigation, to be constituted under the provisions of this act." Applications referring disputes in this class of industry were received also in the cases of W. A. Marsh & Co., boot and shoe manufacturers, Quebec; the Rosemont Woollen Co., Almonte, Ontario; the Eastern Townships Manufacturing Co., St. Hyacinthe, Quebec; L'Association Internationale des Ouvriers en Fourrures, Montreal; Davidson Manufacturing Co., Montreal; and A. Gravel Lumber Co., Etchemin, Quebec; but the parties concerned not agreeing to refer the differences for adjustment according to the provisions of the act, no action was taken by the minister.

PROCEEDINGS 1908-9.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1908, to Mar. 31, 1909—Continued.

A.—MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC-SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned. 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned. 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed. 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

L. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (S) employer; (W) man.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1908. May 2	Standard Coal Co. and employees.	Employees..	Edmonton, Alta..	20	Concerning wages and conditions of labor.	Hon. Judge Taylor (C); F. B. Smith (S); F. H. Sherman (W), 1.	1908. June 19	1908. July 22	Company had previously made an agreement individually with employees. Representative of men was willing to take agreement for what it was worth, but would not enter into same on behalf of union. Board decided to leave the existing agreement intact, and this arrangement appears to have been satisfactory, a strike being thereby averted.
May 12	Nova Scotia Steel & Coal Co. and employees.	.....do.....	North Sydney, N. S.	1,760	.....do.....	Prof. A. Shortt (C), 3; Dr. D. Allison (S); J. W. Mad-din (W), 1.	.....do.....	Aug. 1	An agreement concluded before the board on all points, and a strike thereby averted.
May 14	International Coal & Coke Co. and employees.	.....do.....	Westville, N. S....	800	.....do.....				No board was established in this case, the parties having come to an amicable agreement subsequent to forwarding the application, a strike being thereby averted.
May 15	Acadia Coal Co. and employees.	.....do.....	Stellarton, N. S....	800	.....do.....				Do.

May 18	Port Hood & Richmond Railway Coal Co. and employees.	.....do.....	Port Hood, N. S.	300	.....do.....	Hon. Judge McGillivray (C); 3; Geo. S. Campbell (E); 1; Jas. Macdonald (M); 1.	June 8	July 2	A unanimous report was made by the board with recommendations for a settlement of all differences, which is understood to have been accepted as a basis of working operations, a strike being thereby averted.
July 2	Maritime Coal, Railway & Power Co. (Ltd.) and employees.	.....do.....	Chignecto, N. S.	200	.....do.....	Rev. Chas. Wilson (C); 3; B. Barnhill (E); 1; R. B. Murray (M); 1.	July 6	July 27	An agreement was effected before the board on all the points at issue and covering the period of two years from July 31, 1908, a strike being thereby averted.
Oct. 19	Galbraith Coal Co. (Ltd.) and employees.	.....do.....	Lundbreck, Alta.	30	.....do.....	Chas. Simister (C); 3; F. B. Smith (E); 1; Jas. A. McDonald (M); 1.	Nov. 25	Dec. 14	The board presented a unanimous report recommending a basis of settlement, which was subsequently in correspondence with the department, accepted by both parties to the dispute, a strike being thereby averted.
1909. Mar. 4	Dominion Coal Co. and employees, members of United Mine Workers of America.	.....do.....	Glouce Bay, N. S.	3,000	Alleged discrimination against members of United Mine Workers of America.	Hon. Judge Wallace (C); 4; G. S. Campbell (E); 2; Daniel McDougall (M); 1.	1909. Mar. 22	.....	Proceedings unfinished.

2. METAL MINES.

1908. July 20	Cobalt Central Mining Co. (Ltd.) and employees.	Employees..	Cobalt, Ont.	105	Concerning wages and hours.	Prof. S. J. Maclean (C); 4; E. L. Frazer (E); 1; C. B. Duke (M); 1.	1908. Aug. 22	1908. Aug. 29	Unanimous report presented by board making recommendations for the settlement of the dispute, and no cessation of work reported.
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Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1908, to Mar. 31, 1909.—Continued.

II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1908. Apr. 28	Canadian Pacific Railway Co. and various trades in its mechanical department.	Employees.	Canadian Pacific Railway system.	8,000	Concerning wages and conditions of labor.	P. A. Macdonald (C); C. F. Fullerton (E); G. F. Galt (E); J. J. Somerville (M), 1.	1908. May 13	1908. July 16	The board did not present a unanimous report. Mr. Somerville presenting a minority report. The board made certain recommendations for settlement of dispute, which were accepted by company with some demur. Men refused to accept findings of board and ceased work on Aug. 5. They returned to work on Oct. 5, accepting finally recommendations of board.
May 14	Intercolonial Railway of Canada and Freight Station, Union Clerks' Union, Nos. 1 and 2 of Halifax, N. S., and St. John, N. B.	.....do.....	Halifax, N. S., and St. John, N. B.	.....do.....	.....do.....	Hon. Judge McGibbon (C); H. Holgate (E); J. G. O'Donoghue (M); R. E. Finn (M), 1.	Sept. 8	Oct. 6	The proceedings in this case were under the Conciliation and Labor Act by request of the employees and were subject to delay through the inability to act of the member of the Committee of Mediation and Investigation first appointed on the recommendation of the men. The committee was finally constituted and a settlement of all differences effected, a strike being thereby averted.
May 20	Canadian Pacific Railway and railway telegraphers in its employ.	.....do.....	Canadian Pacific Railway system.	1,605	Concerning alleged wrongful dismissal of certain employees.	Hon. Justice Fortin (C); C. Campbell, K. C. (E); J. W. T. J. Lee (M), 1.	June 17	Sept. 26	A unanimous report was made by the board with recommendations for a settlement of all differences, which were accepted by both parties, a strike being thereby averted.

Aug. 21	Canadian Northern Railway Co. and carmen on its Lake St. John Division.	.....do.....	Lake St. John Division Canadian Northern Railway.	49	Concerning wages and conditions of labor.	Ludovic Brunet (C); 3; E. A. Evans (E); 1; P. J. John (M); 1; A. Chattrain (M); 1.	1908. 5 Jan.	Nov. 19	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties to the dispute, a strike being thereby averted.
Aug. 22	Canadian Pacific Railway Co. and firemen and engineers in its employ.	.....do.....	Canadian Pacific Railway system.	7,000	Concerning alleged wrongful dismissal of certain employees.	Hon. Judge Fortin (C); 3; W. Nesbitt, K. C. (E); 1; J. G. O'Donoghue (M); 1.	1908. 19 Jan.	1908. 25 Jan.	Do.
Aug. 22	Canadian Northern Railway Co. and locomotive engineers in its employ.	.....do.....	Canadian Northern Railway system.	341	Concerning wages and conditions of labor.	Hon. Judge Gunn (C); 4; F. H. Richardson (E); 1; I. Harvey Hall (M); 1.	1908. 14 Sept.	1908. 16 Nov.	Do.
Dec. 26	Kingston & Pembroke Railway Co. and employees, members of Order of Railroad Telegraphers.	.....do.....	Kingston & Pembroke Railway system.	19 direct, 1,600 indirect.	.....do.....	Hon. Judge Gunn (C); 4; J. P. Whitling, K. C. (E); 1; J. G. O'Donoghue (M); 1.	1906. 15 Jan.	.....	Proceedings unfinished.
Dec. 29	Great Northwestern Telegraph Co. and certain railroad telegraphers on Michigan Central Railway system.	.....do.....	Michigan Central Railway system.	75	Abolition of commission by commercial business on Michigan Central Railway system by Great Northwestern Telegraph Co., without due notice.	Judge McGibbon (C); 4; F. Macdonald (E); 2; J. G. O'Donoghue (M); 1.	1908. 8 Feb.	1908. 22 Mar.	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. The report was substantially in favor of the employees. The company had refused to nominate to the board and claimed irresponsibility in the matter. The inquiry, though not resulting in an agreement, is understood to have modified the situation to such a degree that danger of the threatened strike was averted.

¹ Mr. Fullerton, finding himself at an early stage of the proceedings unable to agree with his colleagues, resigned from the board, and the company declining to make a further recommendation, the Minister appointed Mr. Galt without recommendation.

² Owing to inability of Mr. R. E. Finn to act as member of board, Mr. J. G. O'Donoghue was appointed in his stead.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1908, to Mar. 31, 1909—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1908. May 8	Ottawa Electric Railway and its employees.	Employees..	Ottawa, Ont.....	256	Concerning wages and conditions of labor.	Prof. A. Short (C); 4: G. F. Henderson (E); J. G. O'Donoghue (M), 1.	1908. May 22	1908. June 15	Differences amicably arranged before the board and strike thereby averted.
Sept. 3	Quebec Light, Heat & Power Co. and its street railway employees.	.....do .....	....do.....	116	Concerning alleged wrongful dismissal of certain employees.	W. H. Moore (E); 1: Omar Brunet (M), 1.	.....	Oct. 6	The two members of the board appointed respectively on the nomination of employees' company and employees' presented a joint statement making certain recommendations for a settlement of the disputed points, which recommendations were accepted by both parties to the dispute as a settlement of the differences, a strike being thereby averted.

3. TEAMSTERS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. Feb. 10	Manitoba Cartage Co. (Ltd.).	Employees..	Winnipeg, Man....	40 direct, 260 indirect.	Concerning alleged discrimination against men connected with the union.	Rev. Dr. C. W. Jordan (C); S. Prof. R. C. Copland (E); J. J. Murray (M), 1.	1909. Mar. 2	.....	Proceedings unfinished.

¹ Owing to inability of A. Chartrain to act as member of the board, P. J. Jobin was appointed in his stead.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.¹

1908. Dec. 17	The John Ritchie Co. (Ltd.) and certain employees (lasters).	Employees and em- ployers.	Quebec, Que.....	300	Concerning intro- duction of certain machine and we- ges.	Dr. Chas. O'Malley (a) 1; Z. Barabé (M), 1.	1908. Dec. 31	1909. Feb. 17	An agreement was concluded before the board covering all matters in dispute, effective from Feb. 12, 1909, to May 1, 1910, a strike being thereby averted.
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¹ These disputes were referred to a board of conciliation and investigation under section 63 of the act, which provides that "in the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this act and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree, in writing, to allow such dispute to be referred to a board of conciliation and investigation, to be constituted under the provisions of this act," etc.

PROCEEDINGS*1909-10.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1909, to Mar. 31, 1910.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (c) Chairman; (e) employer; (w) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. Mar. 4	Dominion Coal Co. and employees, members of United Mine Workers of America.	Employees..	Glace Bay, C. B...	3,000	Alleged discrimination against certain employees, members United Mine Workers of America.	Hon. Judge Wallace (c); G. S. Campbell (e); Daniel McDougall (w), 1.	1909. Mar. 22	1909. Apr. 16	The board did not present a unanimous report, Mr. McDougall presenting the minority report. The board found against the contentions of the men, and the latter, refusing to accept the findings, struck on July 6. It was claimed by the company that the output of coal from its mines had practically ceased to be affected during the winter months following, although a considerable number of workmen, members of the United Mine Workers of America, remained on strike at the end of March, 1910.
Apr. 13	Nicola Valley Coal & Coke Co. and employees.	.....do.....	Middlesboro, B. C.	150	Alleged discrimination against certain employees.	Hon. Judge P. S. Lampman (c); Thos. Kiddie (e), 1; Thos. Chas. Brooke (w), 1.	May 7	June 3 June 11 June 16	The report of the board was accompanied by a minority report, signed by Mr. T. C. Brooke, the member appointed on behalf of the employees. The report was not accepted by either party and whilst proceedings were pending for the establishment of a board in this case the employees ceased work

Apr. 26	Nova Scotia Steel & Coal Co. (Ltd.) and employees.	.....do.....	Sydney Mines, C. B.	340	Wages and conditions of labor and recognition of United Mine Workers of America.	Hon. Judge J. P. Chipman (C); 4; Hon. Judge Macdonald (E); 2; D. McDougall (M), 1.	June 23	July 23	on Apr. 28, and remained on strike until the month of June. On June 15 the department was informed that an understanding had been reached between the management and the men.
May 8	Western Coal Operators' Association, comprising Alberta Railway & Irrigation Co.; H. W. McNeill Co.; Pacific Coal Co.; Letch Collieries (Ltd.); Western Canadian Collieries (Ltd.); Inter-Coal & Coke Co. (Ltd.); and Rosmer Mines (Ltd.), and their employees.	.....do.....	Lethbridge, Coleman, Lillie, Bankhead, Hillcrest, Bellevue, Passburg, Canmore and Taber, Alta. Rosmer and Frank, B. C.	2,100	Wages and conditions of labor.	Rev. Hugh Grant (C); 4; Colin Macleod (E); 1; F. H. Sherman (M), 1.	May 15	June 21 June 23	The report of the board was accompanied by a minority report, signed by Mr. Colin Macleod, which was, however, in substantial agreement with that of the board. The report was not definitely accepted by either party, but concurrences between the employers and the employees followed its publication, with the result that an agreement was reached, closely following the terms of the award, effective to Mar. 31, 1911. The employees, who had been on strike from Apr. 1, resumed work on July 1.
May 10	Cumberland Railway & Coal Co. and employees.	.....do.....	Singhill, N. S.	1,500	Wages and conditions of labor and recognition of United Mine Workers of America.	Hon. Mr. Justice Langley (C); 4; Chas. Archibald (E); 2; E. B. Paul (M), 1.	June 5	July 23	The report of the board was accompanied by a minority note, signed by Mr. E. B. Paul, the member appointed on behalf of the employees. The board's findings were substantially in favor of the company. The award was not, however, accepted by the employees, and a strike was declared on Aug. 9, which resulted in the closing down of the company's mines until early in the month of March, 1910, when operations were resumed on a limited scale.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1909, to Mar. 31, 1910—Continued.

I. MINING AND SMELTING INDUSTRY—Continued.
1. COAL MINES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chair-man; (E) employer; (M) man.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. June 15	Canada West Coal Co. and employees.	Employees.	Taber, Alta.	300	Wages and conditions of labor.	Hon. Judge R. Winter (C); J. Colin Macleod (E); I. W. C. Simmons (M), 1.	1909. July 3	1909. July 19	A unanimous report was presented by the board, making recommendations for the settlement of the dispute. An agreement based on the findings of the board was subsequently signed by the parties concerned effective from July 30, 1909, to Mar. 31, 1911. The employees who had been on strike from Apr. 23, returned to work on July 30.
Nov. 18	Edmonton Standard Coal Co. (Ltd.) and employees.	do.	Edmonton, Alta.	75	Wages and dismissal of employees.	Geo. F. Cunningham (C); Frank B. Smith (E); I. Clement Stubbis (M), 1.	Dec. 2	Dec. 27	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by the parties concerned, a strike being thereby averted.
Dec. 2	James W. Blain, contractor for output of Cardiff Coal Co. (Ltd.) and employees.	do.	Cardiff, Alta.	60 direct, 15 indirect.	Wages and conditions of employment.				Proceedings in connection with the application were discontinued in view of an agreement being reached by the parties concerned.
1910 Jan. 5	Alberta Coal Mining Co. and employees.	do.	do.	35 direct, 25 indirect.	do.	R. G. Duggan (C); J. O. Haman (E); I. Clement Stubbis (M), 1.	1910 Jan 17		Proceedings unfinished.

2. METAL MINES.

1909 Apr. 5	British Columbia Copper Co. and employees.	Employees..	Greenwood, B. C..	225	Alleged discrimina- tion against cer- tain employees.	Hon. Judge P. E. Wilson (C), 1; Edward Cronyn (E), 1; John Mc- Innis (M), 1.	1909 Apr. 20	1909 May 29 June 3 June 11	Three separate reports were presented in this case, the company expressing willing- ness to accept that of the chairman as a basis of settle- ment, while the men accep- ted the report of Mr. John McInnis. The men declared a strike on June 28, which continued until July 24.
1910. Jan. 8	British Columbia Copper Co. and em- ployees.	Employer.....	.....do.....	350	Employees' unwill- ingness to work with nonunion men.	J. H. Seidler (C), 4; John A. Mars (E), 1; John Mc- Innis, (M), 1.	1910. Jan. 10	1910. Mar. 29	The report of the board was accompanied by a minority report, signed by Mr. John McInnis. The board's report was substantially in favor of the company. The employ- ees concerned being unwill- ing to concur in the findings of the board, a strike was declared on Apr. 19 and con- tinued until May 11, when the employees returned to company's service on terms of board's award.

II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1908. Dec. 26	Kingston & Pem- broke Railway Co. and employees, members of Order of Railroad Teleg- raphers.	Employees..	Kingston-Pem- broke Railway system.	19 direct, 1,400 indirect.	Wages and condi- tions of labor.	Hon. Judge Gunn (C), 4; J. L. Whit- ing, K. C. (E), 1; J. G. O'Donog- hue (M), 1.	1909. Jan. 15	1909. Apr. 22	A unanimous report was pre- sented by the board, which made certain recommenda- tions for the settlement of dispute. The report, with recommendations, was ac- cepted subsequently by both parties, a strike being thereby averted.
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Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1909, to Mar. 31, 1910—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. May 7	Canadian Pacific Railway Co. and railroad telegraphers in its employ.	Employees.	Canadian Pacific Railway lines.	1,600	Concerning alleged unfair dismissal and breach of contract.	Hon. Justice Fortin (C); 4: Wallace Nesbitt, K. C. (E); 1: W. T. J. Lee (M), 1.	1909. May 20	1909. June 11	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were subsequently in correspondence with the department, accepted by both parties concerned, a strike being thereby averted.
June 3	Grand Trunk Pacific Railway Co., and engineers, firemen, conductors, brakemen, baggage-men, and yardmen in its employ.	.....do.....	Grand Trunk Pacific lines.	300	Wages and conditions of labor.	Hon. R. F. Sutherland M. P. (C); 3: F. H. McGowan (E); 1: J. G. O'Donoghue (M), 1.	June 24	Aug. 14	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute and no cessation of work occurred, the threatened strike being averted.
June 8	Canadian Northern Railway Co. and its maintenance-of-way employees.	.....do.....	Canadian Northern Railway lines west of Port Arthur.	1,100 direct, 700 indirect.	.....do.....	Hon. Judge R. M. Myers (C); 4: W. J. Christie (E); 1: J. G. O'Donoghue (M), 1.	.....do.....	July 21	The report of the board was accompanied by a minority report, signed by Mr. W. J. Christie. The findings of the board were subsequently accepted by both parties to the dispute, a strike being thereby averted.
Aug. 11	Intercolonial Railway of Canada and its roundhouse employees.	.....do.....	Halifax, Nova Scotia.	20 direct, 1,000 indirect.	Employers' alleged discrimination against certain employees.	Sir Geo. Garneau (C); 4: Jas. M. Gilmour (E), 1; Aaron A. R. Mosher (M), 1.	Sept. 25	Nov. 17	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. The findings of the board were subsequently accepted by both parties to the dispute, a strike being thereby averted.

RAILWAY STRIKES AND LOCKOUTS.

49

Oct. 2	Intercolonial Railway of Canada and machinists and fitters in its employ.	.....do.....	Intercolonial Railway system.	363 direct, 43 indirect.	Concerning dismissal of certain employees and alleged violation of contract.	Hon. Judge John A. Barron (C), 4; Jas. H. Gilmour (E), 1; J. G. O'Donoghue (M), 1.	Oct. 19	Dec. 8	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned, a strike being thereby averted.
Dec. 3	Grand Trunk Railway Co. and telegraphers and station agents in its employ.	.....do.....	Grand Trunk Railway lines east of Detroit, Mich.	760	Wages, advertising vacancies, etc.	J. E. Atkinson (C), 4; Wallace Nesbitt, K. C. (E), 1; W. T. J. Lee (M), 1.	Dec. 21	1910. Feb. 24	A report was presented which was unanimous on certain of the matters in dispute, Mr. Wallace Nesbitt, K. C., member appointed on behalf of the company, dissenting from the views of the other members on two points. At the close of the year the department was in communication with the parties to the dispute. No cessation of work occurred.
1910. Mar. 17	Canadian Pacific Railway Co. and conductors, baggage-men, and yardmen in its employ.	.....do.....	Canadian Pacific Railway lines.	4,360	Wages and conditions of employment.	J. E. Atkinson (C), 4; Wallace Nesbitt, K. C. (E), 1; J. G. O'Donoghue (M), 1.	1910. Mar. 18	.....	Proceedings unfinished.
Mar. 17	Grand Trunk Railway Co. and conductors, baggage-men, brakemen, and yardmen in its employ.	.....do.....	Grand Trunk Railway lines.	3,017	.....do.....	Wallace Nesbitt, K. C. (E), 1; J. G. O'Donoghue (M), 1.	.....do.....	.....	Do.
Mar. 17	Toronto, Hamilton & Buffalo Railway Co. and conductors, baggage-men, brakemen, and yardmen in its employ.	.....do.....	Toronto, Hamilton & Buffalo Railway lines.	101	.....do.....	F. H. McGulgan (E), 1; J. G. O'Donoghue (M), 1.	.....do.....	.....	Do.
Mar. 19	Grand Trunk Pacific Railway Co. and its telegraph and station employees.	.....do.....	Grand Trunk Pacific lines.	75	Rules and rates of pay.	W. T. J. Lee (M), 1.	Mar. 30	.....	Do.
Mar. 22	Dominion Atlantic Railway Co. and employees.	.....do.....	Kentville, N. S.	4 direct, 25 indirect.	Terms of employment and dismissal of certain employees.	.....	.....	.....	Do.

RAILWAY STRIKES AND LOCKOUTS.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1909, to Mar. 31, 1910—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. Apr. 20	Winnipeg Electric Railway Co. and employees.	Employees.	Winnipeg, Man...	600	Concerning wages and conditions of labor.	Rev. C. W. Gordon, D. D. (C); 4; W. J. Christie (E); J. G. O'Donoghue (M), 1.	1909. May 10	1909. June 1	A unanimous report was presented by the board, accompanied by an agreement covering all points in dispute and effective from May 1, 1909, to May 1, 1911, a strike being thereby averted.

3. FREIGHT HANDLERS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. May 17	Canadian Pacific Railway Co. and freight handlers in its employ.	Employees.	Owen Sound, Ont.	250	Concerning wages...	Donald Ross (C), 4; Wallace Nesbitt, K. C. (E), 1; J. G. O'Donoghue (M), 1.	1909. June 2	1909. June 17	A strike of freight handlers employed by the Canadian Pacific Railway Co. at Owen Sound, occurred on May 7 and continued until May 10, when application was made for the establishment of a board under the Industrial Disputes Investigation Act, to which the dispute was referred for adjustment. The report of the board was accompanied by a minority report by Mr. O'Donoghue. The report of the board was accepted by the parties to the dispute, further cessation of work being thereby averted.

Aug. 18do.....	Fort William, Ont.	700	Concerning wages and conditions of labor.	S. C. Young (C), 3; W. J. Christie (x), 1; W. T. Rankin (x), 1.	Aug. 20	Aug. 30	A strike of freight handlers employed by the Canadian Pacific Railway Co. at Fort William, occurred on Aug. 9 and continued until Aug. 16, when application was made for establishment of a board under the industrial disputes investigation act, to which the dispute was referred for adjustment. In the application it was stated that the employees were not informed of the provisions of this act when the strike was declared. A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by the parties concerned, a further cessation of work being thereby averted.
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4. LONGSHOREMEN.

1910, Mar. 14	Allan Line; Donaldson Line; Leyland Line; White Star Line; Dominion Line; Canada Line; South African Line; Mexican Line; Manchester Liners; Black Diamond Line; Head Line; Canadian Pacific Railway Line; and all other owners of steamships, sailing to Montreal and Syndicated Longshoremen of Montreal.	Employees..	Montreal, Que.....	1,800	Wages and conditions of employment.	Wm. Lysall (x), 1; Gustave Franco (x), 1.	1910, Mar. 24	Proceedings unfinished.
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Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1909, to Mar. 31, 1910—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

5. TEAMSTERS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1909. Feb. 10	Manitoba Cartage Co. (Ltd.).	Employees..	Winnipeg, Man..	40 direct, 260 indirect.	Alleged discrimination against men connected with union.	Rev. Dr. C. W. Gordon (C); 3; Prof. R. Cochrane (E); 2; T. J. Murray (M), 1.	1909. Mar. 2	1909. Apr. 1	A unanimous report was presented by the board, making recommendations for the settlement of the dispute. The report was not accepted by the company, but the inquiry had the effect of improving the conditions and bringing about an understanding so that the threatened strike was averted.

III. MUNICIPAL PUBLIC UTILITIES.

1909. July 8	Corporation of Saskatoon, Sask., and laborers in its employ.	Employees..	Saskatoon, Sask...	150 direct, 150 indirect.	Concerning wages and conditions of labor.	E. J. Mellicke (C); 4; Alex. Smith (E), 1; E. Stephenson (M), 1.	1909. Aug. 4	1909. Sept. 9	A report was presented by the chairman and Mr. Alex. Smith, making certain recommendations for the settlement of the dispute, and stating also that an agreement had been reached on all points except the establishment of a minimum wage scale and recognition of the employees' union. No cessation of work was reported.
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B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION AND OTHER PUBLIC UTILITIES.

1909. Apr. 27	Dominion Textile Co. and mule spinners in its employ.	Employees..	Montreal, Que....	70 direct, 3,000 indirect.	Concerning wages and conditions of labor.	Hon. Justice For- stin (C), 3; F. G. Daniels (E), 1; A. A. Gibbeault (M), 1.	1909. May 7	1909. May 25	A unanimous report was pre- sented by the board making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned, a strike being thereby averted.
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PROCEEDINGS 1910-11.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1910, to Mar. 31, 1911.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chair-man; (E) employer; (M) man.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1910. Jan. 5	Alberta Coal Mining Co. and employees.	Employer...	Cardiff, Alta.....	35 direct, 25 indirect.	Concerning wages and conditions of employment.	R. G. Duggan (C); J. O. Hannah (E); I. Clement Stubbs (M), 1.	1910. Jan. 17	1910. Apr. 2	A unanimous report was presented by the board making certain recommendations for the settlement of the dispute, which were understood to have been accepted by both parties concerned, a strike being thereby averted.
Apr. 13	Canadian-American Coal & Coke Co. and employees, members of Frank Local No. 1283, U. M. W. A.	.....do.....	Frank, Alta.....	262	Concerning making of new agreement and recognition of U. M. W. A.	I. S. G. Van Wart (C); 4: Colin MacLeod (E); I. Clement Stubbs (M), 1.	Apr. 29	June 4	Settlement arrived at by chairman without board being formally convened; settlement effective to Mar. 31, 1911.
Oct. 26	Crownest Pass Coal Co. (Ltd.), and employees, members of District No. 18, U. M. W. A.	Employees..	Ferrite, B. C.....	3,000	Concerning alleged breach of agreement and increased charge for special train.	I. S. G. Van Wart (C); 4: W. S. Lane (E); 1: Clement Stubbs (M), 1.	Nov. 18	Feb. 18	Board effected settlement which was understood to be acceptable to both parties concerned, a strike being thereby averted.
1911. Jan. 16	North Atlantic Collieries Co. (Ltd.), and employees, members of Local Union No. 2173, District No. 26, U. M. W. A.	.....do.....	Port Morien, N. S..	110 direct, 150 indirect.	Concerning reduction in wages and conditions of employment.	Prof. Robt. Magill (C); 4: Duncan G. MacDonald (E); 2: Alexander McKinnon (M), 1.	1911. Mar. 9	1911. Mar. 23	During proceedings for establishment of board company went into liquidation and mines were accordingly closed down.

Jan. 7	The Weltlaufer Silver Mining Co. (Ltd.), and certain employees.do.....	South Lorrain, Ont.	35 direct, indirect.	Concerning reduction in wages.	George Ritchie (C); E. F. Taylor (E); Chas. H. Lowthian (M), 1.	Feb. 20	Feb. 28	A unanimous report was presented by the board making certain recommendations for settlement of dispute. No cessation of work occurred.
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II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1910. Mar. 17	Toronto, Hamilton & Buffalo Railway Co. and its conductors, baggage-men, brakemen, and yardmen.	Employees.....	All lines of Toronto, Hamilton & Buffalo Railway.	101	Concerning employees' demand for increased compensation and improved conditions.	J. E. Atkinson (C); F. H. McCulligan (E); J. G. O'Donoghue (M), 1.	1910. Apr. 6	1910.	Agreement was reached between parties concerned without board having been convened. The terms of settlement of this dispute were understood to correspond closely to the terms of settlement of a similar dispute between the Canadian Pacific Railway and its employees in train and yard service. Report of board was accompanied by a minority report signed by Mr. J. G. O'Donoghue, member appointed on the recommendation of the employees. Upon receipt of this report, negotiations were resumed between the company and the employees concerned which resulted on July 21 in an agreement to continue in force until terminated by 30 days' notice in writing. The agreement was understood to be in some respects similar to, but in other particulars different from, the terms of settlement proposed by the board, and was said to correspond closely both in respect of rates of wages and rules to standard rates and rules existing on a number of the principal railway systems in the Eastern States.
Mar. 17	Canadian Pacific Railway Co. and its conductors, baggage-men, brakemen, and yardmen.	.....do.....	All lines of Canadian Pacific Railway.	4,360	.....do.....	J. E. Atkinson (C); Wallace Nesbitt (C); J. G. O'Donoghue (M), 1.	Mar. 31	June 22	

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1910, to Mar. 31, 1911—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

I. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1910. Mar. 17	Grand Trunk Railway Co. and its conductors, baggage men, brakemen, and yardmen.	Employees.	All lines of Grand Trunk Railway system.	3,017	Concerning employment, demand for increased compensation and improved conditions.	J. E. Atkinson (C); 1. Nesbitt (C); 1. J. G. O'Donoghue (M); 1.	1910. Apr. 6	1910. June 27	Report of board was accepted by a minority report signed by Mr. Wallace Nesbitt, K. C., member appointed on the recommendation of the company. Upon receipt of these reports negotiations were resumed between the company and the employees concerned for settlement of the differences in question. These negotiations were continued up till July 18, when a strike was declared of the employees concerned. Strike continued up till Aug. 2, when it was announced that a settlement had been arrived at through Government intervention, the strike being declared off.
Mar. 19	Grand Trunk Pacific Railway Co. and telegraph and station employees.	.....do.....	Grand Trunk Pacific lines.	75	Concerning rules and rates of pay.	Hon. Judge D. McGibbon (C); 3. Donald Ross (E); 2. W. T. J. Lee (M); 1.	Apr. 22	July 7	A unanimous report was presented by the board which made certain recommendations for the settlement of the dispute. No cessation of work occurred.
Mar. 22	Dominion Atlantic Railway Co. and employees.	.....do.....	Kentville, N. S.	4 direct, 25 indirect.	Concerning terms of employment and dismissal of certain employees.	Hon. John N. Armstrong (C); 4. McCallum Grant (E); 2. Aaron A. B. Mosher (M); 1.	Apr. 29	May 12	Report of board was accepted by a minority report signed by Mr. Aaron A. B. Mosher, member appointed on behalf of the employees, which was accepted by them. The department was informed by the company that there would be no discrimination on its part between union and nonunion men. No cessation of work occurred.

May 2	Canadian Northern Railway Co. and its blacksmiths, members of Blacksmiths' Railway Union No. 147.	do.....	Winnipeg, Man.....	30	Concerning demand for new working agreement, increased wages, and shorter hours.	do.....			No board established, settlement having been arrived at between the parties concerned.	
May 2	Canadian Northern Railway Co. and its blacksmiths' helpers, members of Blacksmiths' Helpers Lodge No. 335.	do.....	do.....	Between 30 and 40.	do.....	do.....			Do.	
May 2	Canadian Northern Railway Co. and its machinists, members of Fort Garry Lodge, No. 189, International Association of Machinists.	do.....	do.....	325	Concerning demand for new working agreement and increased wages.	do.....			Do.	
May 2	Canadian Northern Railway Co. and its machinists' helpers, members of Federal Union No. 4.	do.....	do.....	57	Concerning demand for new working agreement, increased wages, and shorter hours.	do.....			Do.	
May 2	Canadian Northern Railway Co. and its molders, members of Molders' Union No. 174.	do.....	do.....	13	do.....	do.....	Wm. Elliott Macara (C), 3; David H. Cooper (E), 1; Philip C. Locke (X), 1.	May 23	May 28	Board presented a unanimous report making certain recommendations for a settlement. Award was not accepted by employees concerned, some of whom declared strike on July 7. Strike continued until Sept. 27, when the men returned to work on the terms of the board's award.
May 2	Canadian Northern Railway Co. and certain employees, members of Brotherhood of Railway Carmen, Northern Star No. 371, and Plumbers, Gas and Steamfitters' Union No. 479.	do.....	do.....	432	do.....	do.....				

RAILWAY STRIKES AND LOCKOUTS.

Statements of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1910, to Mar. 31, 1911—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.
1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1910 May 3	Canadian Northern Railway Co. and its boiler makers, boiler makers' specialists and boiler makers' helpers, makers of boiler makers' and iron makers' and iron Ship Builders of America, Fort Gary, No. 451, and Boiler Makers, Iron Ship Builders' and Helpers' No. 212.	Employees	Winnipeg, Man...	170	Concerning demand for new working agreement, increased wages, and shorter hours.	David H. Cooper (E), 1.	.....	.....	Pending, establishment of board a settlement was arrived at between parties concerned.
June 21	Intercolonial Prince Edward Island Railway and telegraphers, train dispatchers and station agents, union of Order of Railroad Telegraphers.	.....do.....	Canadian Government Railway system.	490	Concerning proposed amendment to schedule and alleged mistreatment of certain employees.	Hon. Judge John A. Ryan (C), 3; J. H. Ginnar (E); J. G. C. B. Monaghan (M), 1.	1911. Jan. 4	1911. Feb. 20	Establishment of board was postponed owing to arrangement between the Government and the Canadian Northern Railway managing board and representatives of the employees concerned. A request was received from the employees on Nov. 14, 1910, for a board, no settlement having been arrived at. A unanimous report was received making certain recommendations for the settlement of the dispute, which were accepted by the Government. Railways managing board and by the employees.

June 28	Grand Trunk Railway Co. and Brass workers in Montreal, members of Brass Workers' Local 320.	.....do.....	Montreal, Quebec.	24	Concerning demand for minimum rate of 30 cents per hour.	A. G. B. Claxton (C); Wm. Aird (E); C. Rodier (M), I.	1910. July 13	1910. July 30 Aug. 2	Report of board was accompanied by a minority report, signed by Mr. Wm. Aird, member appointed on behalf of the company. Report was accepted by the employees concerned. No cessation of work occurred.
Sept. 3	Canadian Pacific Railway Co. and maintenance-of-way employees.	.....do.....	Canadian Pacific Railway system in Canada.	4,000	Concerning demand for increased wages and revision of schedule.	Hon. Judge D. McGibbon (C), F. H. McGluggan (E); W. T. J. Lee (M), I.	Sept. 21	1911 Mar. 1 Mar. 4	Report of board was accompanied by a minority report signed by Mr. F. H. McGluggan, member appointed on behalf of the company. Department was informed that the majority report was accepted by company and employees concerned. No cessation of work occurred.
Sept. 3	Grand Trunk Pacific Railway Co. and maintenance-of-way employees.	.....do.....	Whole system of Grand Trunk Pacific Railway.	1,000	.....do.....	Hon. Judge D. McGibbon (C), J. W. Dawsey (E); W. T. J. Lee (M), I.	.....do.....	Jan. 7	Report of board was accompanied by a minority report signed by Mr. J. W. Dawsey, member appointed on behalf of the company. Report was accepted on behalf of employees concerned. The company, however, declined to be bound by the board findings. No cessation of work occurred.
Sept. 3	Canadian Northern Railway Co. and maintenance-of-way employees.	.....do.....	Canadian Northern Railway system in Canada.	1,800	.....do.....	Hon. Judge D. McGibbon (C), F. H. McGluggan (E), W. T. J. Lee (M), I.	Sept. 22	Mar. 2 Mar. 10	Report of board was accompanied by a minority report signed by Mr. F. H. McGluggan, member appointed on behalf of the company. Employees accepted board findings. Company, however, declined to be bound by the same, but accepted instead the minority report. No cessation of work occurred.
1911 Feb. 10	Kingston & Pembroke Railway Co. and firemen and hostlers members of the Brotherhood of Locomotive Firemen and Enginemen.	.....do.....	Kingston, Ont.....	11 direct, 20 indirect.....	Concerning demand for increased wages and revision of rules.	.....do.....	.....do.....	.....do.....	Department advised parties concerned that further effort should be made to effect settlement and on Mar. 11, 1911, was informed that an amicable agreement had been arrived at.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1910, to Mar. 31, 1911—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.
2. STREET RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (c) Chairman, (e) employer, (m) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1910 July 5	Toronto Railway Co. and employees, members of Toronto Railway Employees' Union, No. 113.	Employees.	Toronto, Ont.....	1,300	Concerning demand for new working agreement.	Hon. Judge John A. Baron (c); J. P. Mullarkey (e); J. G. O'Donoghue (m), 1.	1910 July 16	1910 Aug. 20	A unanimous report was presented by board making certain recommendations for settlement of dispute, which were accepted by both parties concerned.
Aug. 23	British Columbia Electric Railway Co. and linemen, members of Local No. 213, International Brotherhood of Electrical Workers.	.....do.....	Vancouver and vicinity.	50	Concerning demand for dismissal of foreman of line-men.	A. E. Beck (e), 1; Jas. H. McVety (m), 1.	.....	Sept. 12	Constitution of board not completed, the parties concerned having arrived at a settlement of the matters in dispute.
Oct. 23	Winnipeg Electric Railway Co. and conductors, men, motormen, members of Amalgamated Association of Street and Electric Railway Employees of America, Local No. 99.	.....do.....	Winnipeg, Man...	603	Concerning alleged discrimination against certain employees, members of Amalgamated Association of Street and Electric Railway Employees.	W. J. Christie (c), 3; Capt. Wm. Robinson (e), 1; L. L. Pelletier (m), 1.	Nov. 11	Dec. 13 Dec. 15	Report of board was accompanied by a minority report signed by Mr. L. L. Pelletier, member appointed on the recommendation of the employees concerned. Employees ceased work on Dec. 16, 1910, to enforce their demand for reinstatement of four discharged employees. A settlement was effected through the intervention of citizens' committee, by which strike was terminated on Dec. 31, 1910.

3. SHIPPING.

1910. Mar. 14	Alan Line, Donaldson Line, Thomson Line, Leyland Line, White Star Dominion Line, Canadian Line, South Africa Line, Mexican Line, Manchester Liners, Black Diamond Line, Head Line, Canadian Pacific Railway Line, and all other owners of steamships navigating to Montreal and Syndicate of Longshoremen of Montreal.	Employees.....	Montreal, Que.....	1,800	Concerning wages and conditions of employment.	Hon. Justice T. Fortin (C), 4; Wm. Lyall (Z), 1; Gustave Franco (M), 1.	1910. Apr. 7	1910. Apr. 20	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned, an agreement being entered into effective for a period of 5 years. In connection with the same a permanent board of conciliation was established to settle such grievances as might from time to time be complained of.
Aug. 8	Alan Line, Donaldson Line, Leyland Line, White Star Dominion Line, Canadian Line, South Africa Line, Mexican Line, Manchester Liners, Black Diamond Line, Head Line, Canadian Pacific Railway Line, and all other owners of vessels navigating in the Port of Montreal, and the Ship Liners of the Port of Montreal.	do.....	do.....	200	Concerning wages, hours and conditions of employment.	W. D. D. Lighthall (C), 4; J. Herbert Laurier (Z), 1; Geo. Poliquin (M), 1.	Aug. 22	Sept. 16 Sept. 17	Report of board was accompanied by a minority report signed by Mr. J. Herbert Laurier, member appointed on the recommendation of the Shipping Federation of Canada. The report was acceptable to the employees concerned; the shipping companies, however, in a communication addressed to the department, expressed themselves as unable to accept the majority report. No cessation of work occurred.
Sept. 10	Canadian Pacific Steamship Co. and its employees commonly known as deck hands at Vancouver and Victoria, members of Sailors' Union of the Pacific.	do.....	Vancouver and Victoria, B. C.	86 direct, 50 indirect.	do.....	Hon. Judge W. W. B. McInnes (C), 3; G. E. McCrossan (Z), 2; J. H. McVeety (M), 1.	Oct. 27	Nov. 23	A unanimous report was presented by board, making certain recommendations for the settlement of the dispute, which were accepted by the employees concerned. The company maintained it had no dispute with its employees and that, therefore, no action on its part was necessary. No cessation of work occurred.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1910, to Mar. 31, 1911—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.
4. COMMERCIAL TELEGRAPHERS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (c) Chairman; (e) employer; (m) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1910. June 23	Canadian Pacific Railway Co. and commercial telegraphers members of Commercial Telegraphers' Union of America.	Employees.	Commercial Telegraph lines of Canadian Pacific Railway.	600	Concerning wages and conditions of employment.	J. E. Duval (c); F. H. McGulgan (e); D. Campbell (m), I.	1910. July 7	1910. July 25	A unanimous report was presented by board in which it was stated that an agreement was concluded between the parties concerned on all points at issue.
1911. Mar. 3	Great North Western Telegraph Co. of Canada and Telegraphers members of Commercial Telegraphers' Union of America.	.....do.....	All offices operated by the Great North Western Telegraph Co. of Canada.	200 direct, 1,100 indirect.	.....do.....	Hon. Justice J. V. Teetzel (c); Frederick Markey (e), I.; D. Campbell (m), I.	1911. Mar. 30	.....	Proceedings unfinished.

PROCEEDINGS 1911-12.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1911, to Mar. 31, 1912.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1911. Apr. 13	Western Coal Operators' Association and employees, members of District No. 18, United Mine Workers of America.	Employees.	Eastern British Columbia and Southern Alberta.	6,000 direct, indefinite number indirect.	Concerning making of new agreement.	Rev. C. W. Gordon, D. D. (C); Colin Macleod (E); A. J. Carter (M), 1.	1911. Apr. 21	1911. July 10 July 11	The employees concerned in this dispute ceased work on Mar. 31, 1911, on the termination of a two years' agreement with the employing companies. A board was established by request of the employees on Apr. 18. The board's report was accompanied by a minority report by Mr. Carter. The operators signified their willingness to negotiate an agreement along the general lines suggested by the board in its majority report; the employees on the other hand, accepting the minority report of Mr. Carter. The majority of the mines remained closed down until the middle of November, when a new agreement was signed by the parties concerned effective to Mar. 31, 1915.

Statement of application for boards of conciliation and of proceedings thereunder from Apr. 1, 1911, to Mar. 31, 1912—Continued.

I. MINES AND SMELTING INDUSTRY—Continued.

1. COAL MINES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1911. Oct. 23	Alberta Coal Mining Co. (Ltd.), and employees.	Employer...	Cardiff, Alta.	80.	Concerning wages and conditions of employment	J. Norman Fraser (C), S. O. Hannah (E), I. Clement Stubbs (M), I.	1911. Nov. 27	1911. Dec. 21	Report was signed by all three members of the board, with slight objections noted by M.M. Hannah and Stubbs. After the award of the board had been communicated to both parties concerned there was a cessation of work for a few days. The department was later informed that a settlement had been reached on the basis of the board's findings, and work resumed.

2. METAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1911. May 25	Hudson Bay Mining Co. (Ltd.), and employees, members Gowganda Miners' Union, No. 154, W. F. M.	Employees...	Gowganda, Ont. ...	30.	Concerning reduction in wages.	George Ritchie (C), (E), I. Pro. John Sharp (E), I. Duncan J. McDowell (M), I.	1911. June 9	1911. July 10	Report of board was accompanied by minority report signed by Mr. McDowell. The employees, being unwilling to accept the board report, declared a strike, of which no formal settlement was reported. Operations were resumed in the company's mine at the end of July.

II. TRANSPORTATION AND COMMUNICATION.
1. RAILWAYS.

1911. May 11	Michigan Central Railway Co. and section men.	Employees.	St. Thomas, Ont..	1,200 to 1,400	Concerning proposed reduction in wages.				The employees concerned in this dispute ceased work on May 1, on account of a proposed reduction in their rate of pay. Application was later made by the employees for the establishment of a board. Whilst communications were passing between the department and the employees an officer of the department proceeded to St. Thomas at the minister's request, for the purpose of conferring with the parties concerned. As a result, the company restored the scale of wages which had existed prior to May 1, 1911, and announced its willingness to reengage those who had ceased work.
May 17	Canadian Northern Coal & Ore Dock Co. (Ltd.) and em- ployees, members of Coal Handlers' Union No. 319.	do.	Port Arthur, Ont..	150 direct, 200 indirect.	Concerning wages and conditions of employment.	1911. June 2	1911. June 19		A unanimous report was presented by the board in which it stated that a settlement had been effected of all points at issue, an agreement effective from May 1, 1911, to Apr. 30, 1912, having been signed by both parties. Whilst proceedings looking to the establishment of a board were in progress, the department was informed that a settlement had been reached on the various points at issue.
May 17	Quebec & Lake St. John Railway Co. and car men, mem- bers of the Brother- hood of Railway Carmen of America.	do.	Quebec, Que.	80 direct, 15 indirect.	do.				Report was signed by all three members of the board, Mr. O'Donoghue, however, dissenting in certain particulars. Department was informed that the findings of the board were not acceptable to the employees concerned. No cessation of work, however, occurred.
July 18	Grand Trunk Rail- way Co. and ma- chinists, members of the International Association of Ma- chinists.	do.	Grand Trunk Railway system.	2,000 direct, 6,000 indirect.	Concerning demand for a new schedule of rules and rates of pay.	Oct. 11	Oct. 23		Report was signed by all three members of the board, Mr. O'Donoghue, however, dissenting in certain particulars. Department was informed that the findings of the board were not acceptable to the employees concerned. No cessation of work, however, occurred.

RAILWAY STRIKES AND LOCKOUTS.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1911, to Mar. 31, 1912—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1911. July 31	Grand Trunk Pacific Railway Co., and machinists, members of the International Association of Machinists. ¹	Employees.	Grand Trunk Pacific Railway system.	150	Concerning wages and hours, and conditions of employment; also demand for schedule.	Dr. J. W. Sparling (C); 4; Rev. J. L. Gordon; (E), 2; Thos. J. Murray, (M), 1.	1911. Oct. 12	1911. Oct. 28	A unanimous report was presented by the board which was favorable to the employees concerned and was accepted on their behalf. The company, in a letter dated Nov. 2, declined to accept the board's findings. On Oct. 6, the company's shops at Edmonton and Rivers were closed down, and the employees concerned declared a strike on Oct. 10, which continued until Dec. 13, 1912, when an agreement was reached by the parties concerned. ¹
Aug. 8	Grand Trunk Pacific Railway Co., and boilermakers, members of the International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America. ¹	do.....	Grand Trunk Pacific system.	150	do.....	do.....	do.....	do.....	do.....
Sept. 11	Canadian Pacific Railway Co. and various employees, members of the Canadian Brotherhood of Railroad Employees.	do.....	Calgary and Medicine Hat, Alberta.	6,500 direct, 6,500 indirect.	Concerning alleged discrimination against members of union.	John Anthony McDonald (M), 1.	do.....	do.....	Proceedings discontinued.

Nov. 14	Quebec Central Railway Co. and telegraph and station employees, members of the Order of Railroad Telegraphers.	do.	Quebec Central Railway lines.	70	Concerning demand for a new schedule of rules and rates of pay.			Pending establishment of board a settlement was reached.
Dec. 12	Michigan Central Railway Co., and station agents, telegraph and telephone operators, and tower men, members of the Order of Railroad Telegraphers.	do.	Michigan Central Railway lines in Canada.	115 direct, 3,000 indirect.	Concerning demand for the adoption of certain amendments to the existing schedule.	1912. Jan. 17	1912. Mar. 12	Report of board was accompanied by a minority report signed by Mr. Duval. As a result of the inquiry the company granted an increase of wages and made certain modifications in its rules governing the employment of its station agents, telegraphers, etc. No cessation of work occurred.
Dec. 29	Pere Marquette Railway Co., and maintenance of way employees and pump men, members of the International Brotherhood of Maintenance of Way Employees.	do.	Buffalo Division of the Pere Marquette Railway.	140	Concerning wages, hours, and demand for a set of rules governing both the foregoing.	Jan. 20	Feb. 19	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
1912. Mar. 11	Canadian Pacific Railway Co., and freight handlers and railway clerks, members of Winnipeg Division, No. 177, Brotherhood of Railroad Freight Handlers and Railway Clerks.	do.	Winnipeg, Man.	220 direct, 230 indirect.	Concerning alleged discrimination by company against members of the union.			At the close of the fiscal year the board had not been completed by the appointment of a chairman.

¹ The two applications here recorded are regarded as one in the tabular statement.

² Hon. Wallace Nesbitt, K. C., was at first appointed a member of the board, but, being unable to act, withdrew on Oct. 5.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1911, to Mar. 31, 1912—Continued

II. TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1911. June 19	Montreal Street Railway Co. and employees, members of the Amalgamated Association of Street & Electric Railway Employees of America No. 328.	Employees..	Montreal, Que.....	30 direct, 1,970 indirect.	Concerning dismissal of certain employees and alleged discrimination against them as members of union.	Hon. Justice Thos. Fortin (C), 4; J. L. Perron, K. C. (E), 1; Charlemagne Rodier (M), 1.	1911. Aug. 11	.....	Board restrained from proceeding by order of court, pending determination of an application by the company to the superior court for a writ of injunction, declaring the industrial disputes investigation act to be ultra vires.

3. COMMERCIAL TELEGRAPHY.

1911. Mar. 3	Great North Western Telegraph Co. of Canada and telegraphers, members of the Commercial Telegraphers' Union of America.	Employees..	All offices operated by the Great North Western Telegraph Co. of Canada.	200 direct, 1,100 indirect.	Concerning wages and conditions of employment; also alleged discrimination against members of the union.	Hon. Justice J. V. Teetzel (C), 3; Frederick Markey (E), 1; D. Campbell (M), 1.	1911. Mar. 30	1911. July 17	Report of board was signed by all three members, Mr. Markey and Mr. Campbell, however, each dissenting on one point. The findings of the board were accepted by both parties concerned.
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4. TELEPHONES.

1911. Sept. 6	British Columbia Telephone Co. and employees, members of Local Union 213 International Brotherhood of Electrical Workers.	Employees..	Lines of the British Columbia Telephone Co.	220	Concerning wages and company's attitude toward union men.	John H. Sentler, K. C. (C), 3; William M. Barker (E), 1; Chas. Enright (M), 1.	1911. Oct. 6	1911. Nov. 28	Report of board was accompanied by a minority report signed by Mr. Barker. The department was not informed of the acceptance or non-acceptance by either party of the board's findings. No cessation of work, however, occurred.
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III. MUNICIPAL PUBLIC UTILITIES.

1911. May 27	Cities of Port Arthur and Fort William, Ont., and electrical workers, members of International Brotherhood of Electrical Workers of America, Local Union No. 339.	Employees..	Port Arthur and Fort William, Ont.	32 direct, 66 indirect.	Concerning wages and hours.	Rev. S. C. Murray, D. D. (C), 3; J. Dix Fraser (E); I. C. W. Foster (M), 1.	1911. June 8	1911. July 3	A unanimous report was presented by the board in which it was stated that an agreement had been signed by both cities and their electrical workers, the agreement being effective for one year, from June 1, 1911.
May 29	City of Edmonton, Alta., and electrical workers, members of International Brotherhood of Electrical Workers of America, Local Union No. 544.	.....do.....	Edmonton, Alta..	35	Concerning wages and conditions of employment.	Hon. Justice H. C. Taylor (C), 3; Arthur W. Ormsby (E), 1; W. Symonds (M), 1.	June 9	July 5	A unanimous report was presented by the board in which it was stated that a schedule of wages and a set of rules for each department had been drawn up and accepted by both parties to the dispute, effective from July 1, 1911, to May 1, 1913.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

1911. Apr. 3	John Ritchie Co. (Ltd.), William A. Marsh Co. (Ltd.), Gale Bros., and J. M. Stobo, boot and shoe manufacturers, Quebec, and employees.	Employees..	Quebec, Que.....	68 direct, 875 indirect.	Concerning wages...	Dr. G. W. Joliceur (C), 3; Félix Marois (E); Joseph Alphonse Langlois (M), 1.	1911. Apr. 24	1911. June 26	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. It was understood that the board's findings were accepted by the parties concerned.
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PROCEEDINGS 1912-13.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1912, to Mar. 31, 1913.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned. 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned. 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed. 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman, (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1912. June 4	Inverness Railway & Coal Co. and coal miners in its employ.	Employees..	Inverness, N.S....	500	Concerning wages, conditions of employment, and re- tention of dues for the Provincial Workmen's Association.	Finlay MacDon- ald (C); 4; Maj. W. Ernest Thompson (E); I. James Cam- eron Watters (M), I.	1912. Aug. 21	1912. Oct. 9	A unanimous report was pre- sented by the board, in which it was stated that an agreement had been reached by the parties concerned.

2. METAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman, (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1912. July 3	Britannia Mining & Smelting Co. and employees, mem- bers of Britannia Miners' Union.	Employees..	Britannia Mines, B. C.	300	Concerning wages, conditions of em- ployment, and recognition of un- ion.	Jas. A. Harvey, K. C. (C); 4; W. Er- nest Burns (E); I. George Heatherton (M), I.	1912. Aug. 6	1912. Sept. 16	Report of board was accom- panied by a minority report signed by Mr. Burns. The employees concerned ac- cepted the award of the ma- jority of the board, but the company declined to do so. Mining operations were con- tinued until Feb. 18, when the alleged dismissal by the company of one of the union officials brought the existing dissatisfaction to a head and a strike was declared which had not been terminated at the end of the fiscal year.

July 20	McEnaney Mines, Ltd., and employees, members of Porcupine Miners' Union No. 145, W. F. M. ¹	.....do.....	Porcupine, Ont. ...	40 direct, 1,000 indirect.	Concerning proposed reduction in wages.	Peter McDonald (C), 4; H. E. T. Haultain (S), 1; Wm. C. Thompson (M), 1.	Aug. 23	Nov. 7 Oct. 21	Report of board was accompanied by a minority report signed by Mr. Thompson. The majority report was not acceptable to the employees concerned, and on Nov. 15 a strike was declared which was practically ended on June 21, 1913, an arrangement having been made by which, although the strike not officially called off, the men were permitted by the union to return to work.
July 26	McIntyre-Porcupine Mines (Ltd.), Jupiter Mines (Ltd.), Vipond Porcupine Mines (Ltd.), and Pleasnaur Mines (Ltd.), and employees, members of Porcupine Miners' Union No. 145, W. F. M. ¹	.....do.....	.....do.....	225 direct, 1,000 indirect.	.....do.....				
Nov. 30	Fort Steele Mining & Smelting Co. and employees, members of Kimberley Miners' Union No. 100, W. F. M. ²	.....do.....	Kimberley, B. C. ...	140	Concerning wages				
Dec. 3	Standard Silver Lead Mining Co. (Ltd.), Van Rool Mines (Ltd.), Silverton Mines (Ltd.), and employees, members of Silverton Miners' Union No. 95, W. F. M. ²	.....do.....	Silverton, B. C. ...	325 direct, 50 indirect.	.....do.....				
Dec. 3	Queens Mines (Inc.) and employees, members of Ymir Miners' Union No. 85, W. F. M. ²	.....do.....	Sheep Creek, B. C. ...	45 direct, 200 indirect.	.....do.....	W. S. Bullock Webster (C), 3; Chas. R. Hamilton (S), 1; J. N. Bennett (M), 1.	Dec. 21	1913. Feb. 4 Jan. 27	Report of board was accompanied by a minority report signed by Mr. Bennett. The majority report of the board found against the demands of the employees. No cessation of work occurred.

¹ The two applications here recorded are regarded as one in the tabular statement. ² The five applications here recorded are regarded as one in the tabular statement.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1912, to Mar. 31, 1913—Continued.

I. MINING AND SMELTING INDUSTRY—Continued.

2. METAL MINES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman, (E) employer, (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1912. Dec. 9	Lucky Jim Zinc Mine (Ltd.), Rambler, Carbonate Mines, Surprise, M. in 9, Hope Mine, Noble Five Mines, Richmond, Furka Mines and Idaho-Alamo Mines and employees, members of Sandon Miners' Union No. 81, W. F. M. 1	Employees.	West Kootenay, B. C.	210 direct, 90 indirect.	Concerning wages.		1912.	1913.	
Dec. 10	Blue Bell Mine, No. 1 Mine, Highland Mine, Hope Mine, Silver Horse Mine, Molly Gibson Mine, Furka Mine, Poorman Mine and employees, members of Nelson Miners' Union No. 96, W. F. M. 1	do.	Nelson, B. C.	300	do.				

RAILWAY STRIKES AND LOCKOUTS.

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II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1912 Mar. 11	Canadian Pacific Railway Co. and freight handlers and clerks, mem- bers of Winnipeg Division No. 177, Brotherhood of Railroad Freight Handlers and Rail- way Clerks.	Employees..	Winnipeg, Man....	220 direct, 230 indirect.	Concerning alleged discrimination by company against members of the union and dismis- sals.	Hon. Justice H. A. Robson (C); 4; Chas. P. Filler- ton (E); 2; Thos. J. Murray (M), 1.	1912. Apr. 3	1913. May 3	A unanimous report was pre- sented by the board in which it was stated that the com- pany had reemployed all the employees who wished to re- turn to work.
Apr. 29	Canadian Northern Railway Co. and train-service organ- izations.	do.....	Canadian North- ern Railway lines.	2,000	Concerning the pro- posed displace- ment of train crews of the Cana- dian Northern Railway by the Midland Railway Co., which had acquired running rights over the Canadian North- ern line from Win- nipeg to Emerson.	R. Max Denis (oun (E); 1; L. L. Fel- tier (M), 1.			Pending the final constitution the board a satisfactory ar- rangement was arrived at by the parties concerned.
May 8	Canadian Northern Coal & Ore Dock Co. (Ltd.), and coal handlers, most of whom were mem- bers of Coal Han- dlers' Local No. 319.	do.....	Port Arthur, Ont.	90	Concerning alleged breach of agree- ment by company, also concerning wages, recognition of union, and de- mand for yearly conference be- tween company and employees.	Hon. Judge John McKay (C), 4; George F. Horri- gan (E), 1; Fred- erick (M), 1.	May 22	July 19 July 22	Report of board was accom- panied by a minority report signed by Mr. (M). The majority report of the board was in favor of the company. The employees refused to accept same and declared a strike on July 29, which con- tinued until Aug. 5, when an agreement was reached which provided for certain increases in pay and the reinstatement of certain former employees.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1912, to Mar. 31, 1913—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) man.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1912. June 28	Canadian Pacific Railway Co. and employees in station and telegraph service, members of the Order of Railroad Telegraphers.	Employees.	Canadian Pacific Railway system.	1,300 directly, 8,000 indirectly.	Concerning wages and amendment of conditions of service.	Peter McDonald (C); J. E. Duval (E); J. G. O'Donoghue (M), 1.	1912. July 22 Sept. 6	1913. Sept. 4	Report of board was accompanied by a minority report signed by Mr. J. G. O'Donoghue. The majority report was accepted by the company, but was not accepted by the employees concerned. As a result of further conferences between the parties an agreement was reached, effective regarding wages from Aug. 1, 1912, and hours, overtime rates and other changes from Oct. 1, 1912. The threatened strike was thereby averted.
Nov. 21	Canadian Pacific Railway Co. and freight handlers, freight clerks, etc., members of the Canadian Brotherhood of Railroad Employees.	.....do.....	Ottawa Division of the Canadian Pacific Railway, Port Arthur and Fort William.	1,300 directly, 15,000 indirectly.	Concerning alleged unfair dismissals and refusal of company to negotiate with employees respecting schedule of rules and rate of pay.	Hon. Judge D. McGibbon (C); J. E. Duval (E); J. A. McDonald (M), 1.	Nov. 28	Dec. 11	Report of board was accompanied by a minority report signed by Mr. Duval. Prior to the date of the application the employees had gone on strike and remained out from Nov. 1 until Feb. 3, when the department was informed that an agreement had been reached by the parties concerned and the employees had accordingly resumed work.
Dec. 9	Intercolonial Railway of Canada and locomotive engineers, members of the Brotherhood of Locomotive Engineers.	.....do.....	Intercolonial Railway lines.	8 directly, 350 indirectly.	Concerning employees' demand for reinstatement of certain employees and for payment for time lost to these and to others who had been suspended.				Proceedings under act were stayed pending further negotiations between the Government Railways managing board and the Brotherhood of Locomotive Engineers. No further action by the department was necessary.

1913. Jan. 31	Intercolonial and Prince Edward Island Railways, and certain employees, members of the International Association of Machinists, International Association of Blacksmiths and Helpers, Brotherhood of Railway Carmen of America, International Association of Boiler-makers, and International Association of Boiler-makers' Helpers.	.....do.....	Intercolonial and Prince Edward Island Railway lines.	1,500	Concerning employees' demand for revision of schedules and for an eight-hour day.	.....	.....	.....	Proceedings under act were stayed pending negotiations between the minister of railways and canals and a committee of the employees concerned, which resulted in a settlement of the matters in dispute.
Mar. 11	Canadian Northern Railway Co. and certain employees, members of the Order of Railway Conductors.	.....do.....	Canadian Northern Railway lines.	450 direct. 2,200 indirect.	Concerning employees' demands for various changes in existing schedule, including wages, hours, and working conditions.	Hon. Justice A. Haggart (C); 3: Wm. Cross (S); L. J. Harvey Hall (M), 1.	Mar. 29	.....	Proceedings unfinished.
Mar. 31	Canadian Pacific Railway Co. and certain employees, members of the Brotherhood of Locomotive Firemen and Enginemen.	.....do.....	Alberta division of Canadian Pacific Railway.	2,659 direct. 7,000 indirect.	Concerning alleged breach of agreement by company.	.....	.....	.....	Do.

2. STREET RAILWAYS.

1912. May 9	Ottawa Electric Railway Co. and employees, members of Division No. 279, Amalgamated Association of Street & Electric Railway Employees of America.	Employees..	Ottawa, Ont.	425	Concerning refusal of company to accept terms proposed by the employees providing for increased wages, shorter hours, and improved working conditions.	Hon. Justice J. M. McDougall (C); 4: Travers Lewis, K. C. (S); 1: P. M. Draper (M), 1.	1912. May 18	1912. June 13	A unanimous report was presented by the board making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
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Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1912, to Mar. 31, 1913—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

2. STREET RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report.	Result of reference.
1912. July 18	Halifax Electric Tramway Co. and employees, members of Division No. 508, Amalgamated Association of Street & Electric Railway Employees of America.	Employees..	Halifax, N. S.....	125 direct, 50 indirect.	Concerning wages and conditions of employment as set forth in schedule submitted.	Hon. Judge W. B. Wallace (C), 3; George S. Campbell (E), 1; John T. Joy (M), 1.	1912. Aug. 1	1912. Aug. 22	A unanimous report was presented by the board embodying the terms of an agreement which had been arrived at by the parties concerned.
Aug. 29	Quebec Railway, Light, Heat & Power Co. and street railway employees, members of Fraternité Nationale, No. 1, Employés de Tramway.	.....do.....	Quebec, Que.....	231 direct, 30 indirect.	Concerning wages, recognition of union and reinstatement of certain employees.	Hon. Justice C. E. Dorton (C), 3; J. L. Perron (E), 1; J. P. N. Simard (M), 1.	Sept. 25	Dec. 12	A unanimous report was presented by the board embodying an agreement signed by both parties concerned.
Sept. 18	Hull Electric Railway Co. and employees, members of Division No. 591, Amalgamated Association of Street & Electric Railway Employees of America.	.....do.....	Hull, Que.....	68 direct, 74 indirect.	Concerning wages and conditions of employment.	Peter McDonald (C), 4; George D. Kelly (E), 1; George C. Wright (M), 1.	Oct. 1	Nov. 2	A unanimous report was presented by the board making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
Sept. 25	Cities of Port Arthur and Fort William and employees in street railway service.	.....do.....	Port Arthur and Fort William, Ont.	72 direct.....	Concerning alleged breach of agreement and alleged unsatisfactory investigation of charges.	George H. Rapsay (C), 3; Wm. P. Cooke (E), 1; Frederick Urry (M), 1.	Oct. 7	Dec. 16	The report was signed by all 3 members of the board, Mr. Urry, however, dissenting in one particular. At a meeting of the joint board of management a resolution was adopted accepting the findings of the board.

3. SHIPPING.

1912. Sept. 11	Certain steamship companies doing business at the port of Halifax, viz, Pickford & Black, Furness-Withly Co., T. A. S. De Wolfe & Son, Canada Atlantic & Plant Steamship Co., Cunard Co., Royal Steamship Co., and employees, and members of Halifax Longshoremen's Association.	Employees..	Halifax, N. S.....	500	Concerning wages...	Hon. Judge W. B. Wallace (C), 3; George A. McKenzie (E), 1; Arthur M. Hoare (M), 1.	1912. Sept. 21	1912. Oct. 15	A unanimous report was presented by the board, in which it was stated that an agreement had been arrived at by both parties concerned, effective from Oct. 15, 1912, to Dec. 31, 1913.
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4. TELEPHONES.

1913. Mar. 17	British Columbia Telephone Co. and employees; members of Local Union No. 213, International Brotherhood of Electrical Workers.	Employer...	Lines of British Columbia Telephone Co.	320	Concerning wages and conditions of employment.	Through the good offices of the department, conferences were arranged between the officials of the company and a committee of the men, who had ceased work on Mar. 15. These conferences resulted in a settlement of the main points at issue. The men returned to work on Mar. 21.
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¹ Most of industrial workers in the 2 cities indirectly.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1912, to Mar. 31, 1913—Continued.

III. MUNICIPAL PUBLIC UTILITIES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board constituted.	Date of receipt of report of board.	Result of reference.
1913. Mar. 14	Corporation of the City of Vancouver and certain employees, being scavengers, waterworks employees, and maintenance and construction men, members of Civic Employees' Union and Local of International Union of Hodcarriers, Building and Common Laborers.	Employees.	Vancouver, B. C.	1,200 direct, 1,200 indirect.	Concerning wages of waterworks men, also alleged discrimination against union men.	H. O. Alexander (E); George E. McCrossan (M); I.	1912.	1912.	At the close of the fiscal year the board had not been completed by the appointment of a chairman.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board constituted.	Date of receipt of report of board.	Result of reference.
1913. Jan. 9	Ottawa Car Co. (Ltd.), and machinists, blacksmiths, and helpers, members of Lodge No. 412, International Association of Machinists and Lodge No. 446, International Brotherhood of Blacksmiths and Helpers.	Employees.	Ottawa, Ont.	69	Concerning wages and hours.	Hamnett P. Hill (C); George F. Henderson (E); James Cameron (M); Watters (M); I.	1913. Jan. 11	1913. Jan. 17	A unanimous report was presented by the board, embodying an agreement signed by both parties to the dispute, effective for one year from Jan. 17, 1913.

PROCEEDINGS 1913-14.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1913, to Mar. 31, 1914.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C), Chairman; (S), employer; (M), men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1913 May 26	Acadia Coal Co. (Ltd.) and employees, some of whom being members of the United Mine Workers No. 351 and No. 1726, United Mine Workers of America.	Employees.	Stellarton, N. S. . . .	1,125 direct, 260 indirect.	Concerning demand for increased wages, reduction in cost of operation of United Mine Workers of America and reinstatement of certain former employees alleged to have been dismissed for their connection therewith.	Hon. John N. Armstrong (C), W. H. Cross (S), J. C. Walters (M), I.	1913. June 20	1913. July 14	A unanimous report was presented by the board, in which it was stated that an amicable settlement of all matters in dispute had been effected.

II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C), Chairman; (S), employer; (M), men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1913. Mar. 11	Canadian Northern Railway Co. and conductors, members of the Order of Railway Conductors.	Employees.	Canadian Northern Railway lines.	380 direct, 2,200 indirect.	Concerning employees' demands for various changes in existing schedule, including wages, hours, and working conditions.	Hon. Justice A. Haggart (C), Wm. Cross (S), J. Harvey Hall (M), I.	1913. Mar. 20	1913. Apr. 26	Report of board was accompanied by a minority report signed by Mr. Cross. Mr. Hall, whilst signing the majority report, submitted a statement of points on which he differed from the chairman. No cessation of work occurred.

RAILWAY STRIKES AND LOCKOUTS.

Statement of application for boards of conciliation and of proceedings thereunder from Apr. 1, 1913, to Mar. 31, 1914—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1913. Mar. 31	Canadian Pacific Railway Co. and certain employees, members of the Brotherhood of Locomotive Firemen & Engineers.	Employees..	Alberta Division of Canadian Pacific Railway.	2,650 direct, 7,000 indirect.	Concerning alleged breach of agreement by company re promotions.	Prof. Adam Shortt (C); J. H. Wellington (E); David Campbell (M) 1.	1913. Apr. 15	1913. Oct. 21	Report of board was accompanied by a minority report signed by Mr. Campbell. The majority report stated that the dispute was really between the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen & Engineers. A conference between these brotherhoods was held in Chicago, at which an agreement was reached providing ways and means for the settlement by joint action of all matters of mutual interest, thus obviating the necessity for further action by the board.
July 7	Halifax & Southwestern Railway Co. and certain employees, members of the Canadian Brotherhood of Railroad Employees.	.....do.....	Bridgewater, N. S.	34 direct, 5 indirect.	Concerning wages and conditions of employment as per schedule submitted.	A. B. Crosby (C); 3; Maj. W. Ernest Thompson (E); 1; Jno. A. McDonald (M); 1.	Aug. 12	Sept. 8	A unanimous report was presented by the board, embodying the terms of an agreement signed on behalf of both parties to the dispute, effective for one year from June 1, 1913.
July 30	Grand Trunk Railway Co. & Maintenance of Way Employees, members of the International Brotherhood of Maintenance-of-Way Employees.	.....do.....	Grand Trunk Railway lines in Canada.	3,000	Concerning wages...	Hon. Judge R. D. Gunn (C); 3; F. H. McGugan (E); 1; G. D. Robertson (M); 1.	Aug. 27	Sept. 20	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.

Aug. 7	Quebec Central Railway Co. and shop employees, members of International Association of Machinists, Brotherhood of Railway Carmen of America, International Brotherhood of Blacksmiths & Helpers, and International Brotherhood of Boilermakers, Iron Shipbuilders & Helpers.	.....do.....	Sherbrooke, Quebec. Dec.	149 direct, 40 indirect.	Concerning wages and conditions of employment.	.....	.....	Pending establishment of board a satisfactory arrangement was arrived at by the parties concerned.	
Aug. 25	Grand Trunk Railway Co. and station and telegraph employees, members of the Order of Railroad Telegraphers.	.....do.....	Grand Trunk Railway lines in Canada.	1,300	Concerning wages and conditions of employment as per schedule submitted.	Hon. Judge R. D. Gunn (C), 3; F. H. McGulgan (S); J. G. O'Donoghue (M), 1.	Sept. 11	Nov. 25	Report of board was signed by all three members, Mr. O'Donoghue dissenting however, on one or two points. The award was accepted by both parties concerned.
Oct. 25	Canadian Pacific Railway Co. and certain employees, members of International Brotherhood of Maintenance-of-Way Employees.	.....do.....	Canadian Pacific Railway system.	5,000	Concerning wages and company's interpretation of schedule of rules.	Hon. Chief Justice Richard M. Meredith (C), 4; W. N. Tilley (S), 1; Henry Irwin (M), 1.	Dec. 5	Jan. 21	Report of board was accompanied by a minority report signed by Mr. Irwin. The majority report contained a recommendation to the effect that both sides should withdraw for the present their claims for changes in rules and rates. This recommendation was agreed to by both parties concerned.
Nov. 20	Grand Trunk Pacific Railway Co. and machinists and boilermakers, members of Lodges Nos. 484 and 559, International Association of Machinists, and Lodge No. 529, International Brotherhood of Boilermakers & Iron Shipbuilders.	.....do.....	Grand Trunk Pacific System.	700 direct, 1,000 indirect.	Concerning wages and conditions of employment.	Hon. Justice A. Haggart, (C), 4; Wm. Cross (S), 1; Thos. J. Murray (M), 1.	Dec. 6	.....	Proceedings unfinished.

Statement of application for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1913, to Mar. 31, 1914—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

1. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1914. Jan. 9	Canadian Northern Railway Co. and employees, members of International Brotherhood of Maintenance-of-Way Employees.	Employees.	Canadian Northern Railway lines.	1,800 direct, 3,000 to 4,000 indirect.	Concerning wages...	Hon. Judge R. D. Gunn (C); 3: W. N. Tilley (E); 1: Henry Irwin (M), 1.	1913. Mar. 5	1913.	Proceedings unfinished.
Jan. 9	Grand Trunk Pacific Railway Co. and employees, members of International Brotherhood of Maintenance-of-Way Employees.	do.....	Grand Trunk Pacific Railway lines.	1,800 direct, 2,500 indirect.	do.....	Hon. Judge R. D. Gunn (C); 3: F. H. McCulligan (E), 1; Henry Irwin (M), 1.	Jan. 30	Feb. 23 Feb. 26	Report of board was accompanied by a minority report signed by Mr. Irwin. The recommendations contained in the majority report were accepted by both parties to the dispute. Proceedings unfinished.
Mar. 31	Canadian Pacific Railway Co. and conductors, trainmen and yardmen, members of Order of Railway Conductors and Brotherhood of Railroad Trainmen.	do.....	Canadian Pacific Railway western lines.	3,000 direct, 2,700 indirect.	Concerning demand for revision of schedule governing wages and conditions of employment.				

2. STREET RAILWAYS.

1913. June 25	British Columbia Electric Railway Co. and employees, members of Local Divisions No. 101, Vancouver, No. 109, Victoria, and No. 134 New Westminster. Amalgamated Association of Street and Electric Railway Employees of America.	Employees.	Vancouver, Victoria, and New Westminster, B. C.	2,000 direct, about 300 indirect.	Concerning demand for new agreement of wages and working conditions.	Hon. Justice Denis Murphy (C); 3: H. G. Alexander (E), 1; M. B. Cotsworth (M), 1.	1913. July 4	1913. Aug. 21 Sept. 3	Members of board were unanimous in their findings regarding rules but differed on the question of wages, separate wage schedules being submitted with the majority and minority reports. The minority report was signed by Mr. Cotsworth. As the result of the investigation an agreement was entered into by both parties to the dispute.
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1914. Mar. 9do.....do.....do.....	137 direct, 1,583 indirect.	Concerning company's interpretation of certain sections of existing agreement.	Hon. Justice W. A. Macdonald (C), 4; John Elliot (S), 1; Jas. H. McVety (M), 1.	1914. Mar. 27	Proceedings unfinished.
3. SHIPPING.									
1913. June 6	Maritime Dredging Co. and tug captain, tug foremen, and dredge workers, members of Tug Captains' Local No. 830, Tug Firemen's Local No. 802, and Dredge Workers' Protective Association Local No. 470. Certain steamship companies trading to Port of St. John, N. B., comprising Allan Line, Canadian Pacific Railway Steamship Lines, Dominion Coal Co., Elder Dempster & Co., Furness Withy & Co., Head Line, New Zealand Shipping Co., Robert Reford Co. (Ltd.) (Donaldson Line), and longshoremen, most of them being members of Local No. 273, International Longshoremen's Association, also coal handlers and trimmers employed by the Dominion Coal Co., members of Local No. 180, International Longshoremen's Association.	Employees..	St. John, N. B....	150 direct, 205 indirect.	Concerning wages and conditions of employment.	Chas. H. Thomas (C), 4; John E. Moore (S), 1; J. E. Tighe (M), 1.	1913. June 24	1913. Oct. 27	A unanimous report was presented by the board. The award was declared acceptable to the company, but was not accepted by the employees concerned. No cessation of work occurred.
Oct. 14		Employers.....	.....do.....	1,049	Concerning wages, hours, and conditions of employment.	Walter E. Foster (C), 3; John E. Moore (S), 1; J. E. Tighe (M), 1.	Oct. 22	Nov. 14 Nov. 21	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. This report concerned all interests affected except the Dominion Coal Co. and its employees, a separate investigation being made in this case. In the former case the shipping companies and employees concerned bound themselves under sec. 62 of the act to abide by the award. In the latter case the award was also unanimous and was accepted by both parties concerned.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1913, to Mar. 31, 1914—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

3. SHIPPING—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman, (S) employer, (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1912. Dec. 12	Certain steamship companies trading to the port of St. John, N. B., comprising Allan Line, C. F. R. Steamship and Railway Lines, Head Lines, Furness and Madras Lines, New Zealand Shipping Co., Elder Dempsey & Co., P. & O., Red Star Line, C. N. R. Line, and Red Cross Line, and marine warehouse, freight checkers, members of Marine Warehouse Freight Checkers' Union, Local No. 825, International Longshoremen's Association.	Employees.	St. John, N. B.	225 direct, 1,600 indirect.	Concerning wages, hours, and condition of employment.	G. Fred. Fisher (C), S. Jos. R. Stone (S), 2; John E. Moore (M) 1.	1914. Jan. 8	1914. Feb. 7	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. The award was declared acceptable to the employees concerned, but was not accepted by the shipping companies. No cessation of work occurred.

III. MUNICIPAL PUBLIC UTILITIES.

1913. Mar. 14	Corporation of the city of Vancouver and certain employees, being scavengers, waterworks employees and maintenance men, members of Civic Employees' Union and Local of International Union of Hodcarriers, Building & Common Laborers.	Employees..	Vancouver, B. C...	1,200 direct, 1,200 indirect.	Concerning wages of waterworks men, also alleged discrimination against union men.	Hon. Justice Denis Murphy (C), 3; H. O. Alexander (E), 1; Geo. E. McCrossan (M), 1.	1913. Apr. 5	1913. May 14	A unanimous report was presented by the board, making certain recommendation for the settlement of the dispute. The award was accepted by the corporation of the city of Vancouver and was understood to be acceptable also to the employees concerned.
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B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

1913. Apr. 5	Certain boot and shoe manufacturers of the city of Quebec, namely, J. H. Larochelle, W. A. Marsh & Co., J. Ritchie & Co., and O. Goulet and employees, members of La Fraternité Nationale des Cordonniers-Machinistes de Québec.	Employees..	Quebec, Que.....	25 direct, 500 indirect.	Concerning wages and alleged breach of agreement.	Hon. H. Cyras Pelletier (C), 4; Felix Marois (E), 1; Gaudiose Hébert (M), 1.	1913. Apr. 28	1913. June 2 June 18	Report of board was accompanied by a minority report signed by Mr. Hébert. The award was declared acceptable to the companies concerned. The employees, however, refused to accept same. No general cessation of work occurred.
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Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1914, to Mar. 31, 1915.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

I. MINING AND SMELTING INDUSTRY.

1. METAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chair-man; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1914. July 16	Tomistikamling Co. and miners, and laborers, and millmen, members of Cobalt Miners' Union No. 146, W. F. M.	Employees.	Cobalt, Ont.....	125	Concerning proposed reduction of wages.	Hon. Judge A. A. Mahaffy (C), 4; R. P. Rogers (E), 1; Jas. Dugue (M), 1.	1914. Aug. 1	1914. Sept. 3 Sept. 11	Prior to the investigation the company had ceased operations owing to conditions caused by the war. The board presented two reports, the minority report being signed by Mr. Dugue. The board recommended certain improvements in conditions, to take effect when work was resumed.
Oct. 8	Miller Lake O'Brien Mine and employees, members of Gowganda Miners' Union No. 164, W. F. M.	.....do.....	Gowganda, Ont....	50 direct, 100 indirect.	Concerning proposed reductions of wages, conditions of employment and alleged discrimination against members of union.	Hon. Judge A. A. Mahaffy (C), 4; R. H. James (E), 1; Robert A. Allen (M), 1.	Nov. 5	Nov. 27 Nov. 30	Report of board was accompanied by a minority report signed by Mr. Allen. The board recommended that the employees should accept the reduced rates until the return of normal conditions. No cessation of work occurred.

II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1913. Nov. 20	Grand Trunk Pacific Railway Co. and machinists and boiler-makers, members of Lodges Nos. 484 and 559, International Association of Machinists, and Lodge No. 529, International Brotherhood of Boiler-makers and Iron Shipbuilders.	Employees..	Grand Trunk Pacific System.	700 direct, 1,000 indirect.	Concerning wages and conditions of employment.	Hon. Justice A. Hagart (C); 4; Wm. Cross (S); 1; Thos. J. Murray (M); 1.	1913. Dec. 6	1914. Apr. 14	Report of board was accompanied by a minority report signed by Mr. Cross. The award was declared acceptable to the employees concerned but was not accepted by the company. No cessation of work occurred.
1914. Jan. 9	Canadian Northern Railway Co. and employees, members of International Brotherhood of Maintenance of Way Employees.	.....do.....	Canadian Northern Railway lines.	1,800 direct, 3,000 to 4,000 indirect.	Concerning wages...	Hon. Judge R. D. Gunn (C); 3; W. N. Tilley (S); 1; Henry Irwin (M); 1.	1914. Mar. 5	June 11 July 13	Report of board was accompanied by a minority report signed by Mr. Irwin. The board recommended that no change should be made in the rates of wages paid to the employees concerned. This was agreed to by both parties.
Mar. 31	Canadian Pacific Railway Co. and conductors, trainmen, and yardmen, members of Order of Railway Conductors and Brotherhood of Railroad Trainmen.	.....do.....	Canadian Pacific Railway, western lines.	3,000 direct, 2,700 indirect.	Concerning demand for revision of schedule governing wages and conditions of employment.	Hon. Judge R. D. Gunn (C); 4; Isaac Pitblado (S); 1; D. Campbell (M); 1.	Apr. 20	Aug. 5	Report of board was accompanied by a minority report signed by Mr. Campbell. Mr. Pitblado, while signing the report, made some reservations which he set forth in a separate statement. The employees refused to accept award, and asked that the schedule in force might be continued. To this the company subsequently agreed.
Apr. 22	Michigan Central Railroad Co. and employees, being train dispatchers, station agents, etc., members of Order of Railroad Telegraphers.	.....do.....	Michigan Central Railroad lines in Canada.	115 direct, 3,000 indirect.	Concerning wages and conditions of employment.	Hon. Judge Colin G. Snider (C); 4; Roger Black (S); 1; David Campbell (M); 1.	May 12	June 19	Report of board was signed by all three members, Mr. Black, however, dissenting on one or two points. Following the report of the board negotiations took place between the company and the employees concerned, which resulted in a settlement of all points at issue.

IL. TRANSPORTATION AND COMMUNICATION—Continued.

RAILWAY STRIKES AND LOCKOUTS.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board; (C)Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1914. Mar. 9	British Columbia Electric Railway Co. and employees, and members of Local Division No. 101 Vancouver No. 109 Victoria, and No. 134 New Westminster, Amalgamated Association of Street and Electric Railway Employees of America.	Employees..	Vancouver, Victoria and New Westminster, B. C.	137 direct, 1,562 indirect.	Concerning company's interpretation of certain sections of agreement.	Hon. Justice W. A. Macdonald, (C); John Elliot (E); Jas. H. McVeety (M), 1.	1914. Mar. 27	1914. June 5	Report of board was accompanied by a minority report signed by Mr. Elliot. Through the efforts of Mr. McNiven, one of the officers of the department of labor, conferences were subsequently held which resulted in a satisfactory arrangement.
June 6	St. John Railway Co. and employees, members of Division No. 603 Amalgamated Association of Street and Electric Railway Employees of America.	.....do.....	St. John, N. B.	90 direct, 60 indirect.	Concerning alleged discrimination against a member of the union.	Robert L. Hayes (C); Hon. Judge J. G. Forbes (E); Jas. L. Sugrue (M), 1.	June 22	July 8	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. The company refused to accept the award and a strike of the employees followed, which continued from July 22 to July 24, when an agreement was entered into by both parties concerned. Proceedings discontinued, an agreement having been reached by both parties concerned, effective to June 30, 1916.
July 2	Ottawa Electric Railway Co. and employees, members of Division No. 279, Amalgamated Association of Street and Electric Railway Employees of America.	.....do.....	Ottawa, Ont.	450	Concerning wages, hours, and reorganization of union.	A. E. Fripp, M. P. (M), 1.	.....	.....

III. LIGHT AND POWER.

1914. May 8	Toronto Electric Light Co. and Toronto Railway Co. and electrical workers, members of Local No. 353, International Brotherhood of Electrical Workers.	Employees..	Toronto, Ont.....	200	Concerning wages, hours, conditions of employment, and alleged discrimination against members of union.	Hon. Judge D. McElbion (C), 3; H. H. Dewar, K. C. (E), 1; J. G. O'Donoghue (M), 1.	1914. May 12	1914. July 28	Report of board in the case of the Toronto Electric Light Co. was accompanied by a minority report signed by Mr. Dewar. Negotiations resulted in a settlement of the dispute, thus obviating the necessity for any action in connection with the dispute between the Toronto Railway Co. and employees. A unanimous report was presented by the board, accompanied by an agreement signed on behalf of both parties concerned.
June 18	Dominion Iron & Steel Co. and electrical workers, members of Local No. 283, International Brotherhood of Electrical Workers.	do.....	Sydney, N. S.....	55 direct, 2,000 to 3,000 indirect.	Concerning alleged discrimination against members of union.	Rev. I. W. MacMillan (C), 3; W. H. Chace (E), 1; Arthur S. Kendall M. D. (M), 1.	July 14	Aug. 15	
July 15	Dominion Power & Transmission Co., Ltd., and electrical workers, members of Local No. 380, International Brotherhood of Electrical Workers, and others.	do.....	Hamilton, Ont.....	16 direct, 14 indirect.	Concerning wages, hours, and conditions of employment.	Hon. Judge L. B. C. Livingstone (C), 4; C. F. Maxwell (E), 2; John B. Pegg (M), 1.	Aug. 10	Aug. 28	Report of board stated that on the request of both parties concerned the investigation was not proceeded with.

IV. MUNICIPAL PUBLIC UTILITIES.

1914. May 9	Toronto Hydro-Electric System and electrical workers, members of Local No. 333, International Brotherhood of Electrical Workers.	Employees..	Toronto, Ont.....	200 direct, 55 indirect.	Concerning wages, hours, conditions of employment, and alleged discrimination against members of union.	Hon. Judge Colin G. Spiller (C), 4; F. W. Wegenast (E), 1; Fred. Bancroft (M), 1.	1914. May 27	1914. June 19	Report was signed by the chairman and Mr. Bancroft and embodied a schedule of wages and working conditions which were recommended to become effective from May 1, 1914. Mr. Wegenast did not concur in the award. The findings were accepted by both parties concerned.
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RAILWAY STRIKES AND LOCKOUTS.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1914, to Mar. 31, 1915.—Continued.

IV. MUNICIPAL PUBLIC UTILITIES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1914. June 4	London Hydro-Electric Commission and electrical workers, members of Local No. 120, International Brotherhood of Electrical Workers.	Employees.	London, Ont.....	26 direct, 11 indirect.	Concerning wages and conditions of employment.	John Jacobs (M), I.	1914.	1914.	Proceedings discontinued at the request of both parties concerned.
Oct. 13	City of Edmonton and employees in telephone, electric light and street railway departments, members of Local No. 544, International Brotherhood of Electrical Workers and nonunion power-house employees.	do.....	Edmonton, Alta..	255 direct, 55 indirect.	Concerning alleged reduction of wages, without required notice.	Hon. Mr. Justice J. D. Ryndman, (C); Kenneth W. Mackenzie (E), I.; John B. Pegg (M), I.	1915. Mar. 11	1915. Mar. 23	Prior to the investigation agreements were entered into between the corporation of Edmonton and the employees in the telephone, electric light, and street railway departments. The board, therefore, dealt only with the case of the power-house employees. The report was signed by all three members, Mr. Pegg, however, dissenting on one point. The award was accepted by both parties concerned.
1915. Mar. 9	City of Calgary and electrical workers, members of Local No. 348, International Brotherhood of Electrical Workers.	do.....	Calgary, Alta.....	30	Concerning proposed reduction of wages and termination of agreement.	R. A. Brown (E), I.; John B. Pegg (M), I.	.....	.....	Proceedings unfinished.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

1914. May 7	Ottawa Car Manufacturing Co. (Ltd.) and machinists and boiler makers, members of Lodge No. 412, International Association of Machinists.	Employees..	Ottawa, Ont.....	75	Concerning wages and conditions of employment.	Hannett P. Hill (C), 3; Geo. F. Henderson, K. C. (E), 1; J. C. Watters (M), 1.	1914. May 9	1914. May 29	A unanimous report was presented by the board, accompanied by an agreement entered into by both parties.
June 15	Certain Montreal contractors and their respective employees, being carpenters, joiners, members of the United Brotherhood of Carpenters and Joiners of America.	.....do.....	Montreal, Que.....	500	Concerning alleged refusal of employers to comply with agreement of 1912.	Hon. Justice J. Beaudin (C), 4; John J. York (E), 1; Gustave Franco (M), 1.	June 23	1915. July 21	Report of board was unanimous and was accompanied by a memorandum of agreement signed on behalf of both parties concerned, effective to June 1, 1917. A strike had occurred on June 1, which continued until June 15, when through the efforts of an officer of the Department of Labor the differences in question were referred for adjustment under sec. 63 of the act.
Dec. 8	J. D. McArthur & Co. (Ltd.), contractors, and employees, being workmen employed in the Edmonton, Dunvegan & British Columbia Railway shops at West Edmonton, Alta.	.....do.....	Edmonton, Alta..	127	Concerning reduction of wages.	Hon. Justice J. D. Hyndman (C), 3; O. M. Bigger, K. C. (E), 1; Wm. Macadam (M), 1.	1915. Jan. 4	.....	Proceedings unfinished.
1915. Jan. 14	J. D. McArthur & Co. (Ltd.) contractors, and employees, being train operatives on the Edmonton, Dunvegan & British Columbia Railway and the Alberta & Great Waterways Railway.	.....do.....	Edmonton, Dunvegan & British Columbia Railway and the Alberta & Great Waterways Railway.	.....	.....do.....	S. A. Dickson (C), 4; O. M. Bigger, K. C. (E), 1; D. Campbell (M), 1.	Mar. 16	.....	Do.

PROCEEDINGS, 1915-16.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1915, to Mar. 31, 1916.

A. MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC-SERVICE UTILITIES.

[Appointed by the minister: 1. Under sec. 8, subsec. 1, of the I. D. I. act, on recommendation from party concerned; 2. Under sec. 8, subsec. 2, of the I. D. I. act, in the absence of a recommendation from party concerned; 3. Under sec. 8, subsec. 3, of the I. D. I. act, on the joint recommendation of the two members first appointed; 4. Under sec. 8, subsec. 4, of the I. D. I. act, in the absence of a joint recommendation by the two members first appointed.]

L. MINING AND SMELTING INDUSTRY.

1. COAL MINES.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Number of persons affected.	Nature of dispute.	Names of members of board: (C) Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1915. Aug. 19	Intercolonial Coal Mining Co. (Ltd.) and employees.	Employees.	Westville, N. S. . . .	366	Concerning wages . . .	His Honor Judge W. B. Wallace (C); John MacKeen (E); I. Simon Lott (M), 1.	1915. Sept. 1	1915. Sept. 17	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute, which were accepted by both parties concerned.
Nov. 20	Acadia Coal Co. (Ltd.) and employees.	.....do.....	Stellarton, N. S. . . .	430	.....do.....	His Honor Judge W. B. Wallace (C); Wm. H. Chase (E); I. Simon Lott (M), 1.	Nov. 30	Dec. 13	A unanimous report was presented by the board, making certain recommendations for the settlement of the dispute. The award was accepted by the company and was understood to be acceptable also to the employees concerned, the impending strike being thereby averted.

II. TRANSPORTATION AND COMMUNICATION.

1. RAILWAYS.

1915. Apr. 16	Canadian Northern Railway Co. and employees members of Order of Railway Conductors, Brotherhood of Railroad Trainmen and Order of Railroad Telegraphers.	Employees..	Lines of Canadian Northern Ontario, Bay of Quinte, and B. W. and N. W. Railways.	300 direct, 4,000 indirect.	Concerning wages and conditions of employment.			On request of both parties concerned the application was not proceeded with, the matters in dispute having been settled by negotiation.
May 17	Canadian Northern Railway Co. and employees on its eastern lines, members of Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen.	.....do.....	Merged lines of Canadian Northern Railway east of Port Arthur, Ont.	407 direct, 1,120 indirect.	Concerning employees' demand for same rates and rules in force west of Great Lakes.	1915. June 21	1915. Oct. 22	A unanimous report was presented by the board, accompanied by a proposed schedule of rules and rates effective from Nov. 1, 1915. The award was accepted by the employees concerned and was later accepted by the company.
June 28	Grand Trunk Pacific Railway Co. and employees, members of International Brotherhood of Maintenance-of-Way Employees.	.....do.....	Lines of Grand Trunk Pacific Railway.	1,800 direct, 1,400 indirect.	Concerning termination of working agreement and proposed reduction of wages.			Pending the establishment of a board the application was withdrawn to permit of further negotiations which resulted in the company deferring the proposed reduction.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1915, to Mar. 31, 1916—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.

I. RAILWAYS—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Chair-man; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1916. Feb. 28	Toronto, Hamilton & Buffalo Railway Co. and employees in locomotive and car department, members of Toronto, Hamilton & Buffalo System Federation No. 36, International Association of Machinists and Helpers No. 414, International Brotherhood of Iron Ship Builders & Helpers No. 421, International Brotherhood of Blacksmiths & Helpers No. 330, and Brotherhood of Railway Carmen of America No. 94.	Employees..	Hamilton, Ont.....	105 direct, 12 indirect.	Concerning wages, hours, and conditions of employment.	Hon. Judge Collin G. Snider (C), 4; Geo. S. Kerr, K. C. (E), 1; Jas. Simpson (M), 1.	1916. Mar. 28	1915.	Proceedings unfinished.

2. STREET RAILWAYS.

1915. June 29	British Columbia Electric Railway Co. and employees, members of Local Divisions No. 101, Vancouver; No. 109, Victoria; and No. 134, New Westminster, Amalgamated Association of Street and Electric Railway Employees of America.	Employer...	Vancouver, Victoria, and New Westminster, B. C.	1,058 direct, 156 indirect.	Concerning proposed reductions in wages and changes in working conditions.	Hon. Justice W. A. Macdonald (C); 4; A. G. MacCallister (E); 1; Jas. H. McVety (W), 1.	1915. July 8	1915. Sept. 7	Report of board was accompanied by a minority report signed by Mr. McVety. The company accepted the award but the employees refused to do so. Through the efforts of one of the department officers conferences were arranged between the parties concerned which resulted in an agreement being reached which disposed of all points at issue.
July 19	British Columbia Electric Railway Co. and employees, members of Local Unions No. 213, Vancouver; No. 230, Victoria; and No. 558, New Westminster, International Brotherhood of Electrical Workers.	Employees...	.....do.....	150	Concerning wages, hours, conditions of employment, and alleged unfair dismissals.	Hon. Justice W. A. Macdonald (C); 4; Jas. A. Harvey, K. C. (E); 2; Edmund H. Morrison (W), 1.	Aug. 14	Sept. 15	A unanimous report was presented by the board and was accompanied by a proposed schedule of rules and rates effective for two years from Sept. 15, 1915. The award was declared acceptable to the employees concerned but was not accepted by the company.
Aug. 30	City of Edmonton and employees, members of Local Division No. 509, Amalgamated Association of Street and Electric Railway Employees of America.	.....do.....	Edmonton, Alberta.	250	Concerning cancellation of agreement.				Pending the establishment of a board the department was informed that the dispute had been adjusted, an agreement having been entered into by both parties concerned.
Nov. 11	.....do.....	.....do.....	.....do.....	6 direct, 220 indirect.	Concerning alleged discrimination against members of union, resulting in a number of dismissals.	Frank Ford, K. C. (C); 3; J. E. Wallbridge (E); 1; Wm. MacAdams (W), 1.	Dec. 20	1916. Mar. 11	A unanimous report was presented by the board and was accompanied by an agreement between the parties concerned, disposing of all points at issue except the case of a dismissal, the agreement providing, however, that the board decision on this point should be final. The finding was to the effect that suspension should be substituted for dismissal.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1915, to Mar. 31, 1916—Continued.

II. TRANSPORTATION AND COMMUNICATION—Continued.
3. SHIPPING.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C)Chairman; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1915. Dec. 20	Certain steamship companies trading to the port of St. John, N. B., comprising Allan Line, Canadian Pacific Railroad steamship lines, Elder Dempster & Co., Head Line, New Zealand Shipping Co., Furness Line, Manchester Line (Furness, Withy & Co.), Robert Redford Co., Donaldson Line, and Royal Mail Steam Packet Co.; also H. S. Gregory & Sons and H. W. Parlee, stevedores and contractors; and Wm. Thomson & Co. (Ltd.), J. E. Moore & Co., J. T. Knight & Co., W. M. MacKay (Ltd.), Geo. McKean & Co. (Ltd.), J. B. Brand, R. C. Elkin, and Alexander Watson, ship brokers and longshoremen, members of Longshoremen's Association of St. John.	Employees.	St. John, N. B....	1,135	Concerning wages, hours, and conditions of employment.	W. E. Foster (C), J. H. Lauer (E), I. J. E. Tighe (M), 1.	1916. Jan. 1	1916. Jan. 24	A unanimous report was presented by the board, embodying the terms of a proposed agreement effective from Jan. 18, 1916, until Dec. 1, 1919. The award was accepted by the employees and was also declared acceptable on behalf of most of the employers.

III. MUNICIPAL PUBLIC UTILITIES.

1915. Mar. 9	City of Calgary and electrical workers, members of local No. 348, International Brotherhood of Electrical Workers.	Employees..	Calgary, Alberta..	30	Concerning proposed reduction of wages and termination of agreement.	Col. G. E. Sanders (C), 3; R. A. Brown (E), 1; John B. Pegg (M), 1.	1915. Apr. 2	1915. May 5	A unanimous report was presented by the board, accompanied by an agreement entered into by both parties concerned.
May 26	Toronto Hydro-Electric Commission and electrical workers, members of local No. 353, International Brotherhood of Electrical Workers.do.....	Toronto, Ontario..	175 direct, 25 indirect.	Concerning wages and conditions of employment.	Hon. Judge Emerson Coatsworth (C), 4; F. Erichsen Brown (E), 1; Fred Bancroft (M), 1.	July 2	Aug. 13 Aug. 20	Report of board was accompanied by a minority report signed by Mr. Brown; the employees signified their acceptance of the majority report; the commissioners, however, refused to accept the majority report and a strike of the employees took place on Nov. 2, 1915, which continued until Nov. 23, 1915, when the employees returned to work substantially on the terms of the minority report.

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B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES.

1914. Dec. 8	J. D. McArthur & Co. (Ltd.), contractors, and employees, being workmen employed in the Edmonton, Dunvegan & British Columbia Railway shops at West Edmonton, Alberta.	Employees..	Edmonton, Alberta.	127	Concerning reduction of wages.	Hon. Justice J. D. Hyndman (C), 3; O. M. Biggar, K. C. (E), 1; Wm. MacAdam (M), 1.	1915. Jan. 4	1915. May 20	A unanimous report was presented by the board in which it was stated that both parties had agreed to abide by the award. The dispute was accordingly settled.
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RAILWAY STRIKES AND LOCKOUTS.

Statement of applications for boards of conciliation and investigation and of proceedings thereunder from Apr. 1, 1915, to Mar. 31, 1916—Continued.

B. INDUSTRIES OTHER THAN MINES, AGENCIES OF TRANSPORTATION AND COMMUNICATION, AND OTHER PUBLIC UTILITIES—Continued.

Date of receipt of application.	Parties to dispute.	Party making application.	Locality.	Persons affected.	Nature of dispute.	Names of members of board: (C) Challenged man; (E) employer; (M) men.	Date on which board was constituted.	Date of receipt of report of board.	Result of reference.
1915. Jan. 14	J. D. McArthur & Co. (Ltd.), contractors, and employees, being train operatives on the Edmonton, Dunvegan & British Columbia Railway and the Alberta & Great Waterways Railway.	Employees..	Edmonton, Dunvegan, & British Columbia Railway and the Alberta & Great Waterways Railway.	.....	Concerning reduction of wages.	S. A. Dickson (C), 4; O. M. Biggar, K. C. (E), 1; D. Campbell (M), 1.	1915. Mar. 16	1915. Apr. 19	A unanimous report was presented by the board recommending the restoration of the wages paid prior to the reduction of Nov. 1, 1914. The award was accepted by both parties concerned.
May 28	Ottawa Car Manufacturing Co. (Ltd.), and machinists, members of Lodge No. 412, International Association of Machinists.	.....do.....	Ottawa, Ont.	100	Concerning wages and conditions of employment.	Hannett P. Hill (C), 3; Geo. F. Henderson, K. C. (E), 1; Jas. Simpson (M), 1.	May 28	June 17	Report of board was signed by all three members, Mr. Simpson dissenting on one point. The report was accompanied by an agreement entered into by both parties concerned.
Aug. 19	Nova Scotia Steel & Coal Co. (Ltd.) and Eastern Car Co. (Ltd.) and employees engaged in the manufacture of munitions of war.	.....do.....	New Glasgow and Trenton, N. S.	2,000	Concerning reduction of wages.	Hon. Judge Emerson Coatsworth (C), 4; Col. B. A. Weston (E), 1; R. H. Murray (M), 1.	Sept. 1	Sept. 27	Prior to the application the employees had gone out on strike. Both parties were induced to refer their differences under sec. 63 to a board, and the employees accordingly returned to work. The report of the board was unanimous and disposed of all matters in dispute, an agreement having been previously signed making the decision of the board binding upon both parties until the end of the war, or as long as the companies were engaged on munitions work.

II. TEXT OF CANADIAN INDUSTRIAL DISPUTES INVESTIGATION ACT OF 1907.

DOMINION OF CANADA.

Industrial Disputes Investigation Act, 1907, amended 1910.

AN ACT To aid in the prevention and settlement of strikes and lockouts in mines and industries connected with public utilities. (6-7 Edward VII, chap. 20, as amended by 10-11 Edward VII, chap. 29.)

SECTION 1. This act may be cited as *The Industrial Disputes Investigation Act, 1907.* Short title.

PRELIMINARY.

INTERPRETATION.

SEC. 2. In this act, unless the context otherwise requires—

Definitions.

(a) "Minister" means the minister of labor.

(b) "Department" means department of labor.

(c) "Employer" means any person, company, or corporation employing ten or more persons and owning or operating any mining property, agency of transportation or communication, or public-service utility, including, except as hereinafter provided, railways, whether operated by steam, electricity, or other motive power, steamships, telegraph and telephone lines, gas, electric light, water and power works.

(d) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry to which this act applies.

(e) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees as to matters or things affecting or relating to work done or to be done by him or them, or as to the privileges, rights, and duties of employers or employees (not involving any such violation thereof as constitutes an indictable offence); and, without limiting the general nature of the above definition, includes all matters relating to—

(1) The wages, allowance, or other remuneration of employees, or the price paid or to be paid in respect of employment.

(2) The hours of employment, sex, age, qualification, or status of employees and the mode, terms, and conditions of employment.

(3) The employment of children or any person or persons or class of persons, or the dismissal of or refusal to employ any particular person or persons or class of persons.

(4) Claims on the part of an employer or any employee as to whether and, if so, under what circumstances preference of employment should or should not be given to one class over another of persons being or not being members of labor or other organizations, British subjects, or aliens.

(5) Materials supplied and alleged to be bad, unfit, or unsuitable, or damage alleged to have been done to work.

(6) Any established custom or usage, either generally or in the particular district affected.

(7) The interpretation of an agreement or a clause thereof.

(f) "Lockout" (without limiting the nature of its meaning) means a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees in consequence of a dispute, done with a view to compelling his employees, or to aid another employer in compelling his employees, to accept terms of employment.

(g) "Strike" or "to go on strike" (without limiting the nature of its meaning) means the cessation of work by a body of employees acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of employees to continue to work for an employer in consequence of a dispute,

done as a means of compelling their employer, or to aid other employees in compelling their employer, to accept terms of employment.

(h) "Board" means a board of conciliation and investigation established under the provisions of this act.

(i) "Application" means an application for the appointment of a board under the provisions of this act.

(j) "Registrar" means the registrar of boards of conciliation and investigation under this act.

(k) "Prescribed" means prescribed by this act or by any rules or regulations made thereunder.

(l) "Trade-union" or "union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

ADMINISTRATION.

Minister of labor. SEC. 3. The minister of labor shall have the general administration of this act.

Registrar. SEC. 4. The governor in council shall appoint a register of boards of conciliation and investigation, who shall have the powers and perform the duties prescribed.

2. The office of registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the registrar may, if the governor in council thinks fit, be appointed, not by name, but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the registrar.

BOARDS OF CONCILIATION AND INVESTIGATION.

CONSTITUTION OF BOARDS.

Applications for reference. SEC. 5. Whenever any dispute exists between an employer and any of his employees, and the parties thereto are unable to adjust it, either of the parties to the dispute may make application to the minister for the appointment of a board of conciliation and investigation, to which board the dispute may be referred under the provisions of this act: *Provided, however,* That in the case of a dispute between a railway company and its employees such dispute may be referred, for the purpose of conciliation and investigation, under the provisions concerning railway disputes in the conciliation and labor act.

Appointment of boards. SEC. 6. Whenever, under this act, an application is made in due form for the appointment of a board of conciliation and investigation, and such application does not relate to a dispute which is a subject of a reference under the provisions concerning railway disputes in the conciliation and labor act, the minister, whose decision for such purpose shall be final, shall, within fifteen days from the date at which the application is received, establish such board under his hand and seal of office, if satisfied that the provisions of this act apply.

Membership. SEC. 7. Every board shall consist of three members who shall be appointed by the minister.

2. Of the three members of the board one shall be appointed on the recommendation of the employer and one on the recommendation of the employees (the parties to the dispute) and the third on the recommendation of the members so chosen.

Mode of appointment of members. SEC. 8. For the purposes of appointment of the members of the board the following provisions shall apply:

1. Each party to the dispute may, at the time of making application or within five days after being requested so to do by the minister, recommend the name of one person who is willing and ready to act as a member of the board, and the minister shall appoint such person a member of the board.

2. If either of the parties fails or neglects to duly make any recommendation within the said period, or such extension thereof as

the minister, on cause shown, grants, the minister shall, as soon thereafter as possible, appoint a fit person to be a member of the board, and such member shall be deemed to be appointed on the recommendation of the said party.

3. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of one person who is willing and ready to act as a third member of the board, and the minister shall appoint such person a member of the board.

4. If the members chosen on the recommendation of the parties fail or neglect to duly make any recommendation within the said period, or such extension thereof as the minister, on cause shown, grants, the minister shall, as soon thereafter as possible, appoint a fit person to be a third member of the board, and such member shall be deemed to be appointed on the recommendation of the two other members of the board.

5. The third member shall be the chairman of the board.

SEC. 9. As soon as possible after the full board has been appointed by the minister, the registrar shall notify the parties of the names of the members of the board and the chairman thereof, and such notification shall be final and conclusive for all purposes. Notice of appointment.

SEC. 10. Every member of a board shall hold office from the time of his appointment until the report of the board is signed and transmitted to the minister. Term.

SEC. 11. No person shall act as a member of a board who has any direct pecuniary interest in the issue of a dispute referred to such board. Pecuniary interest.

SEC. 12. Every vacancy in the membership of a board shall be supplied in the same manner as in the case of the original appointment of every person appointed. Vacancies.

SEC. 13. Before entering upon the exercise of the functions of their office the members of a board, including the chairman, shall make oath or affirmation before a justice of the peace or other person authorized to administer an oath or affirmation, that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the board. Oath.

SEC. 14. The department may provide the board with a secretary, stenographer, or such other clerical assistance as to the minister appears necessary for the efficient carrying out of the provisions of this act. Assistants.

PROCEDURE FOR REFERENCE OF DISPUTES TO BOARDS.

SEC. 15. For the purpose of determining the manner in which and the persons by whom an application for the appointment of a board is to be made, the following provisions shall apply: Applications made, how.

1. The application shall be made in writing in the prescribed form and shall be in substance a request to the minister to appoint a board to which the existing dispute may be referred under the provisions of this act.

2. The application shall be accompanied by—

(a) A statement setting forth—

(1) The parties to the dispute;

(2) The nature and cause of the dispute, including any claims or demands made by either party upon the other to which exception is taken;

(3) An approximate estimate of the number of persons affected or likely to be affected by the dispute;

(4) The efforts made by the parties themselves to adjust the dispute;

and—

(b) A statutory declaration setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarant a lockout or strike will be declared, and (except where the appli- Declarations.

cation is made by an employer in consequence of an intended change in wages or hours proposed by the said employer) that the necessary authority to declare such lockout or strike has been obtained; or, where a dispute directly affects employees in more than one Province, and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, a statutory declaration by the chairman or president and by the secretary of such committee, setting forth that, failing an adjustment of the dispute or a reference thereof by the minister to a board, to the best of the knowledge and belief of the declarants a strike will be declared, that the dispute has been the subject of negotiations between the committee and the employer, that all efforts to obtain a satisfactory settlement have failed, and that there is no reasonable hope of securing a settlement by further negotiations.

3. The application may mention the name of a person who is willing and ready and desires to act as a member of the board representing the party or parties making the application.

Signatures to
application.

SEC. 16. The application and the declaration accompanying it—

(1) If made by an employer, an incorporated company or corporation, shall be signed by some one of its duly authorized managers or other principal executive officers;

(2) If made by an employer other than an incorporated company or corporation, shall be signed by the employer himself in case he is an individual, or a majority of the partners or members in case of a partnership firm or association;

(3) If made by employees members of a trade union, shall be signed by two of its officers duly authorized by a majority vote of the members of the union or by a vote taken by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose of discussing the question; or, where a dispute directly affects employees in more than one Province and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees and so recognized by the employer, may be signed by the chairman or president and by the secretary of the said committee;

(4) If made by employees some or all of whom are not members of a trade union, shall be signed by two of their number duly authorized by a majority vote taken by ballot of the employees present at a meeting called on not less than three days' notice for the purpose of discussing the question.

Transmission.

SEC. 17. Every application for the appointment of a board shall be transmitted by post by registered letter addressed to the registrar of boards of conciliation and investigation, department of labor, Ottawa, and the date of the receipt of such registered letter at the department shall be regarded as the date of the receipt of such application.

Notice to
other party.

SEC. 18. In every case where an application is made for the appointment of a board the party making application shall, at the time of transmitting it to the registrar, also transmit, by registered letter to the other party to the dispute, or by personal delivery, a copy of the application and of the accompanying statement and declaration.

Reply.

SEC. 19. Upon receipt by either party to a dispute of a copy of the application for the appointment of a board such party shall, without delay, prepare a statement in reply to the application and transmit it by registered letter, or by personal delivery, to the registrar and to the party making the application.

Persons to be
notified.

SEC. 20. Copies of applications or statements in reply thereto to be transmitted to the other party under any of the preceding sections where the other party is—

(1) An employer, an incorporated company or corporation, shall be sent to the manager or other principal executive officer of the company or corporation;

(2) An employer other than an incorporated company or corporation, shall be sent to the employer himself or to the employer in the name of the business or firm as commonly known;

(3) Composed of employees, members of a trade union, shall be sent to the president and secretary of such union;

(4) Composed of employees some or all of whom are not members of a trade union—

(a) Where some of the employees are members of a trade union, shall be sent to the president and secretary of the union as representing the employees belonging to the union; also

(b) Where some of the employees are not members of a trade union and there are no persons authorized to represent such employees, shall be sent to ten of their number;

(c) Where, under paragraph (4) of section 16, two persons have been authorized to make an application, shall be sent to such two persons.

SEC. 21. Any dispute may be referred to a board by application in that behalf made in due form by any party thereto; provided that no dispute shall be the subject of reference to a board under this act in any case in which the employees affected by the dispute are fewer than ten.

Jurisdiction.

SEC. 22. Upon the appointment of the board the registrar shall forward to the chairman a copy of the application for the appointment of such board, and of its accompanying statement and declaration, and of the statement in reply, and the board shall forthwith proceed to deal with the matters referred to in these documents.

Reference to board.

FUNCTIONS, POWERS, AND PROCEDURE OF BOARDS.

SEC. 23. In every case where a dispute is duly referred to a board it shall be the duty of the board to endeavor to bring about a settlement of the dispute, and to this end the board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits thereof and the right of settlement thereof. In the course of such inquiry the board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period the board thinks reasonable to allow the parties to agree upon terms of settlement.

Duties of board.

SEC. 24. If a settlement of the dispute is arrived at by the parties during the course of its reference to the board, a memorandum of the settlement shall be drawn up by the board and signed by the parties, and shall, if the parties so agree, be binding as if made a recommendation by the board under section 62 of this act, and a copy thereof with a report upon the proceedings shall be forwarded to the minister.

Settlements.

SEC. 25. If a settlement of the dispute is not arrived at during the course of its reference to the board, the board shall make a full report thereon to the minister, which report shall set forth the various proceedings and steps taken by the board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case.

Recommendations.

SEC. 26. The board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities, what in the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force and the date from which it should commence.

Form.

- Report and recommendation to be in writing.** **SEC. 27.** The board's report and recommendation shall be made to the minister in writing and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the registrar as soon as practicable after the reference of the dispute to the board; and in the same manner a minority report may be made by any dissenting member of the board.
- Filing and distribution of report.** **SEC. 28.** Upon receipt of the board's report the minister shall forthwith cause the report to be filed in the office of the registrar and a copy thereof to be sent free of charge to the parties to the dispute and to the representative of any newspaper published in Canada who applies therefor, and the minister may distribute copies of the report and of any minority report in such manner as to him seems most desirable as a means of securing a compliance with the board's recommendation. The registrar shall, upon application, supply certified copies for a prescribed fee to persons other than those mentioned in this section.
- Publication of report.** **SEC. 29.** For the information of Parliament and the public, the report and recommendation of the board and any minority report shall, without delay, be published in the Labor Gazette and be included in the annual report of the department of labor to the governor general.
- Powers of board to summon witnesses, etc.** **SEC. 30.** For the purpose of its inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers, or other documents or things as the board deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.
2. Any member of the board may administer an oath, and the board may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.
- Form of summons.** **SEC. 31.** The summons shall be in the prescribed form, and may require any person to produce before the board any books, papers, or other documents or things in his possession or under his control in any way relating to the proceedings.
- Matters confidential.** **SEC. 32.** All books, papers, and other documents or things produced before the board, whether voluntarily or in pursuance to summons, may be inspected by the board and also by such parties as the board allows; but the information obtained therefrom shall not, except in so far as the board deems it expedient, be made public, and such parts of the books, papers, or other documents as in the opinion of the board do not relate to the matter at issue may be sealed up.
- Parties as witnesses.** **SEC. 33.** Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.
- Allowance to witnesses.** **SEC. 34.** Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the province where the inquiry is being conducted.
- Witnesses in railway disputes.** **SEC. 35.** Where a reference has been made to the board of a dispute between a railway company and its employees, any witness summoned by the board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the board and thereafter returning to his home, and the board shall furnish to such witness a proper certificate evidencing his right to such free transportation.
- Failure to obey summons.** **SEC. 36.** If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable traveling expenses according to the aforesaid scale fails to duly attend or to duly produce any book, paper, or other document or thing as required by his summons he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars, unless he shows that there was good and sufficient cause for such failure.

Sec. 37. If, in any proceedings before the board, any person wilfully insults any member of the board or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the board, any officer of the board or any constable may take the person offending into custody and remove him from the precincts of the board, to be detained in custody until the rising of the board, and the person so offending shall be liable to a penalty not exceeding one hundred dollars. Contempt.

Sec. 38. The board, or any member thereof, and, on being authorized in writing by the board, any other person, may, without any other warrant than this act, at any time, enter any building mine, mine workings, ship, vessel, factory workshop, place or premises of any kind, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which has been made the subject of a reference to the board, and inspect and view any work, material, machinery, appliance, or article therein and interrogate any persons in or upon any such building, mine, mine workings, ship, vessel, factory, workshop, place, or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the board or any such person authorized as aforesaid in the exercise of any power conferred by this section shall be guilty of an offense and be liable to a penalty not exceeding one hundred dollars. Inspections, etc.

Sec. 39. Any party to a reference may be represented before the board by three or less than three persons designated for the purpose, or by counsel or solicitor where allowed as hereinafter provided. Representation.

Sec. 40. Every party appearing by a representative shall be bound by the acts of such representative. Principals bound.

Sec. 41. No counsel or solicitor shall be entitled to appear or be heard before the board, except with the consent of the parties to the dispute, and notwithstanding such consent the board may decline to allow counsel or solicitors to appear. Counsel.

Sec. 42. Persons other than British subjects shall not be allowed to act as members of a board. Eligibles.

Sec. 43. If, without good cause shown, any party to proceedings before the board fails to attend or to be represented, the board may proceed as if he had dully attended or had been represented. Presence of parties.

Sec. 44. The sittings of the board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held: *Provided*, That so far as practicable the board shall sit in the locality within which the subject-matter of the proceeding before it arose. Sittings.

Sec. 45. The proceedings of the board shall be conducted in public, provided that any such proceedings before it, the board, on its own motion, or on the application of any of the parties, may direct that the proceedings shall be conducted in private and that all persons other than the parties, their representatives, the officers of the board, and the witnesses under examination shall withdraw. Meetings public.

Sec. 46. The decision of a majority of the members present at a sitting of the board shall be the decision of the board, and the findings and recommendations of the majority of its members shall be those of the board. Decisions.

Sec. 47. The presence of the chairman and at least one other member of the board shall be necessary to constitute a sitting of the board. Quorum.

Sec. 48. In case of the absence of any one member from a meeting of the board, the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance. Presence of members.

2. If any member of a board dies, or becomes incapacitated, or refuses or neglects to act, his successor shall be appointed in the manner provided with respect to the original member of the board.

Trivial matters. **Sec. 49.** The board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

Employment of experts. **Sec. 50.** The board may, with the consent of the minister, employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the result of such inspection or examination under this section without the consent of both the parties to the dispute.

REMUNERATION AND EXPENSES OF BOARD.

Remuneration of members. **Sec. 51.** The members of a board shall be remunerated for their services as follows:

(a) To members other than the chairman an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the board.

(b) To each member of the board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the board and for each day necessarily engaged in traveling from or to his place of residence to attend or after attending a meeting of the board.

Acceptance of gratuities. **Sec. 52.** No member of the board shall accept in addition to his salary as a member of the board any perquisite or gratuity of any kind from any corporation, association, partnership, or individual in any way interested in any matter or thing before or about to be brought before the board in accordance with the provisions of this act. The accepting of such perquisite or gratuity by any member of the board shall be an offence and shall render such member liable to a fine not exceeding one thousand dollars.

Traveling expenses. **Sec. 53.** Each member of the board will be entitled to his actual necessary traveling expenses for each day that he is engaged in traveling from or to his place of residence for the purpose of attending or after having attended a meeting of the board.

Expenses. **Sec. 54.** All expenses of the board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board, which vouchers shall be forwarded by the chairman to the minister. The chairman shall also forward to the minister a certified and detailed statement of the sittings of the board and of the members present at such sittings.

DUTIES OF THE REGISTRAR.

General duties. **Sec. 55.** It shall be the duty of the registrar—

(a) To receive and register and, subject to the provisions of this act, to deal with all applications by employers or employees for a reference of any dispute to a board, and to at once bring to the minister's attention every such application;

(b) To conduct such correspondence with the parties and members of boards as may be necessary to constitute any board as speedily as possible in accordance with the provisions of this act;

(c) To receive and file all reports and recommendations of boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the boards in accordance with the provisions of this act;

(d) To keep a register in which shall be entered the particulars of all applications, references, reports, and recommendations relating to the appointment of a board and its proceedings; and

to safely keep all applications, statements, reports, recommendations and other documents relating to proceedings before the board and, when so required, transmit all or any of such to the minister;

(e) To supply to any parties, on request, information as to this act or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the board with necessary blank forms, forms of summons, or other papers or documents required in connection with the effective carrying out of the provisions of this act;

(f) Generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this act or any regulations thereunder.

STRIKES AND LOCKOUTS PRIOR TO AND PENDING A REFERENCE TO A BOARD ILLEGAL.

SEC. 56. It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during a reference of such dispute to a board of conciliation and investigation under the provisions of this act or prior to or during a reference under the provisions concerning railway disputes in the conciliation and labor act: *Provided*, That nothing in this act shall prohibit the suspension or discontinuance of any industry or of the working of any person therein for any cause not constituting a lockout or strike: *Provided also*, That, except where the parties have entered into an agreement under section 62 of this act, nothing in this act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect of any dispute which has been duly referred to a board and which has been dealt with under section 24 or 25 of this act, or in respect of any dispute which has been the subject of a reference under the provisions concerning railway disputes in the conciliation and labor act. Strikes forbidden.

SEC. 57. Employers and employees shall give at least thirty days' notice of an intended change affecting conditions of employment with respect to wages or hours, and in the event of such intended change resulting in a dispute, until the dispute has been finally dealt with by a board, neither of the parties affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lockout or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute; but if in the opinion of the board either party uses this or any other provision of this act for the purpose of unjustly maintaining a given condition of affairs through delay, and the board so reports to the minister, such party shall be guilty of an offence and liable to the same penalties as are imposed for a violation of the next preceding section. Status to be maintained.

SEC. 58. Any employer declaring or causing a lockout contrary to the provisions of this act shall be liable to a fine of not less than \$100 nor more than \$1,000 for each day or part of a day that such lockout exists. Penalty for causing lockout.

SEC. 59. Any employee who goes on strike contrary to the provisions of this act shall be liable to a fine of not less than \$10 nor more than \$50 for each day or part of a day that such employee is on strike. Penalty for going on strike.

SEC. 60. Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike contrary to the provisions of this act, shall be guilty of an offence and liable to a fine of not less than \$50 nor more than one thousand dollars. Penalty for inciting to lockout or strike.

SEC. 61. The procedure for enforcing penalties imposed or authorized to be imposed by this act shall be that prescribed by Part XV of the Criminal Code relating to summary convictions. Enforcing penalties.

SPECIAL PROVISIONS.

Recommendations binding, when.

SEC. 62. Either party to a dispute which may be referred under this act to a board may agree in writing, at any time before or after the board has made its report and recommendation, to be bound by the recommendation of the board in the same manner as parties are bound upon an award made pursuant to a reference to arbitration on the order of a court of record; every agreement so to be bound made by one party shall be forwarded to the registrar, who shall communicate it to the other party, and if the other party agrees in like manner to be bound by the recommendation of the board, then the recommendation shall be made a rule of the said court on the application of either party and shall be enforceable in like manner.

Application of act to any dispute.

SEC. 63. In the event of a dispute arising in any industry or trade other than such as may be included under the provisions of this act, and such dispute threatens to result in a lockout or strike, or has actually resulted in a lockout or strike, either of the parties may agree in writing to allow such dispute to be referred to a board of conciliation and investigation, to be constituted under the provisions of this act.

2. Every agreement to allow such reference shall be forwarded to the registrar, who shall communicate it to the other party, and if such other party agrees in like manner to allow the dispute to be referred to a board, the dispute may be so referred as if the industry or trade and the parties were included within the provisions of this act.

3. From the time that the parties have been notified in writing by the registrar that in consequence of their mutual agreement to refer the dispute to a board under the provisions of this act, the minister has decided to refer such dispute, the lockout or strike, if in existence, shall forthwith cease, and the provisions of this act shall bind the parties.

MISCELLANEOUS.

Reports not evidence.

SEC. 64. No court of the Dominion of Canada, or of any Province or Territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence, any report of a board or any testimony or proceedings before a board as against any person or for any purpose, except in the case of a prosecution of such person for perjury.

Technicalities.

SEC. 65. No proceeding under this act shall be deemed invalid by reason of any defect of form or any technical irregularity.

Payment for services.

SEC. 66. The minister shall determine the allowance or amounts to be paid to all persons other than the members of a board, employed by the Government or any board, including the registrar, secretaries, clerks, experts, stenographers, or other persons performing any services under the provisions of this act.

Reports of prosecutions.

SEC. 67. In case of prosecution under this act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

Regulations.

SEC. 68. The governor in council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual working of the several provisions of this act. All such regulations shall go into force on the day of the publication thereof in the Canada Gazette, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

Expenses.

SEC. 69. All charges and expenses incurred by the Government in connection with the administration of this act shall be de-

frayed out of such appropriations as are made by Parliament for that purpose.

SEC. 70. An annual report with respect to the matters transacted by him under this act shall be made by the minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof. Annual re-
ports.

V. TEXT OF A LAW PROPOSED TO AMEND THE INDUSTRIAL DISPUTES INVESTIGATION ACT OF 1907.

DRAFT OF BILL NOW UNDER CONSIDERATION BY THE MINISTER OF LABOR, CONSOLIDATING AND AMENDING THE INDUSTRIAL DISPUTES INVESTIGATION ACT, 1907, AND THE CONCILIATION AND LABOR ACT.

After each section in the following tentative bill notes are inserted explaining the origin of the section, or, where the section is new, explaining the purpose and reason of it. In the notes also a large number of other suggestions are mentioned, some of which may be worthy of consideration.

A table of corresponding sections is appended to the bill so that provisions of the existing acts can be traced into the new bill or it can be seen what disposition has been made of them.

THE INDUSTRIAL DISPUTES ACT.

	Section.		Section.
Short title	1	Regulation of conduct of employers and employees	57-67
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Boards of conciliation and investigation	5-54	Duties of registrar	76
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AN ACT To aid in the prevention and settlement of industrial disputes and strikes and lockouts.

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This act may be cited as the *Industrial Disputes Act*.

NOTE.—This act is intended to take the place of both the industrial disputes investigation act, 1907, and the conciliation and labor act, 1906. It is given a new title.

INTERPRETATION.

2. In this act, unless the context otherwise requires—
 - (a) "Minister" means the minister of labor.
 - (b) "Department" means the department of labor.
 - (c) "Industry" means any trade, manufacture, undertaking, enterprise, business, calling, occupation, or employment in which persons are employed for hire or reward, except agriculture, and except any Government service or employment other than Government railway, telegraph, and telephone service.
 - (d) "Public utility" means and includes mining, agency of transportation or communication, and public service utility of every kind; and, without limiting this general definition, includes railway, whether operated by steam, electricity, or other motive power, steamship, telegraph, and telephone, and gas, electric light, water, and power works.

(e) "Employer" means any person, firm, company, or corporation employing persons for hire or reward in any industry; and in the case of railways, telegraphs, and telephones, includes any Government or commission or other body owning or operating the same.

(f) "Employee" means any person employed by an employer to do any skilled or unskilled manual or clerical work for hire or reward in any industry, but shall not include a person employed as a private confidential clerk; a lock-out or strike shall not, nor, where application for a board is made within 30 days after the dismissal, shall any dismissal, cause any employee to cease to be an employee, or an employer to cease to be an employer, within the meaning and for the purposes of this act.

(g) "Dispute" or "industrial dispute" means any dispute or difference between an employer and one or more of his employees as to terms of employment or as to any matter or thing affecting or relating to terms of employment.

(h) "Terms of employment," without limiting its ordinary meaning, includes any matter or thing relating to—

(1) The work done or to be done by any employee or employees.

(2) The wages, price, or other remuneration or reward paid or to be paid in respect of employment, or any allowance, bonus, deduction, discount, or other thing affecting such wages, price, remuneration, or reward.

(3) The hours of employment, sex, age, qualification, or status of employees, or the mode, incidents, or surroundings of employment.

(4) The employment of children or of any person or persons or class of persons.

(5) The employment or dismissal of any person or class of persons, refusal to employ or to continue to employ any person or class of persons, or discrimination in favor of or against, or preference to, any person or class of persons.

(6) Materials supplied and alleged to be bad, unfit, or unsuitable, or damage alleged to have been done to work or to materials or property.

(7) Any custom or usage, or alleged custom or usage, either general or in the particular district affected.

(8) The interpretation of an agreement or any part thereof.

(9) Generally the privileges, rights, or duties of employers or employees, or the conditions of employment.

(i) "Lockout," without limiting its ordinary meaning, includes a closing in whole or in part of a place of employment, or a suspension of work in whole or in part for any period, by an employer, or a temporary or permanent refusal by an employer to continue to employ any number of his employees—

(1) With a view to compelling or inducing his employees, or any of them, or to aiding another employer to compel or induce the employees of such other employer or any of them, to accept terms of employment or comply with any demands made upon them or any of them; or

(2) As a protest against anything done or not done by any employees; or

(3) With intent to cause loss or inconvenience to any employees or to the public; or

(4) With intent to procure, incite, instigate, aid, or abet any other lockout.

(j) "Unlawful lockout" means a lockout contrary to the provisions of this act.

(k) "Strike" or "to go on strike," without limiting its ordinary meaning, includes a temporary or permanent cessation of work by any number of employees acting in combination or under a common understanding, or a concerted refusal or failure, or a refusal or failure under a common understanding, of any number of employees to continue to work, or to resume or return to work, for an employer—

(1) With a view to compelling or inducing their employer, or to aiding any other employees to compel or induce the employer of such other employees, to accept terms of employment or comply with any demands made upon him; or

(2) As a protest against anything done or not done by any employer; or

(3) With intent to cause loss or inconvenience to any employer or to the public; or

(4) With intent to procure, incite, instigate, aid, or abet any other strike.

(l) "Unlawful strike" means a strike contrary to the provisions of this act.

(m) "Board" means a board of conciliation and investigation established under the provisions of this act.

(n) "Application" means an application for the appointment of a board under the provisions of this act.

(o) "Registrar" means the registrar of boards of conciliation and investigation under this act.

(p) "Prescribed" means prescribed by this act or by any rules or regulations made thereunder.

(q) "Trade-union" or "union" means any organization of employees, whether incorporated or unincorporated, or registered or unregistered, formed for the purpose of regulating relations between employers and employees.

(r) "Lawful trade-union" means any trade-union not declared unlawful by this act and the purposes of which are not unlawful under the law of Canada.

(s) "Unlawful trade-union" means a trade-union declared or stated by this act to be unlawful or the purposes of which are unlawful under the law of Canada.

(t) "Industrial agreement" means an agreement respecting terms of employment entered into or arising as specified in this act;

(u) "Form" means form in the schedule of this act.

NOTES.—Paragraphs (a) and (b) are as in the act of 1907;

(c) Is new;

(d) Is new, but covers similar ground to (c) of 1907 act;

(e) Corresponds to (c) of 1907 act, but is amended in view of what is contained in (c); the limitation requiring not less than 10 employees, contained in sections 2 (c) and 21 of 1907 act is omitted as it is believed it does not serve any useful purpose.

(f) Corresponds to (d) of 1907 act, but is amended by excepting private confidential clerks and by providing that dismissal or lockout or strike shall not prevent a person from being an employee for the purposes of the act. This latter amendment covers what was asked for as to this matter by the deputation of the Trades and Labor Congress to the Government, January 6, 1914, and removes doubt. See Montreal Street Railway case (44 Quebec Reports (Superior Court) p. 350), in which it was held (among other things) that dismissed employees could not legally make an application for a board.

(g) Corresponds to (e) of 1907 act, but is amended in view of the definition of "terms of employment" added by (h). The restriction "not involving any such violation thereof as constitutes an indictable offense" has been removed. In some instances boards have had to be refused by reason of it, and it is felt that there is no sufficient reason for the restriction.

(h) Is new, but when read with (g) corresponds to (e) of 1907 act. Some parts of it, however, have been revised and added to. Though the expression "terms of employment" was used in the 1907 act, [(e. g., section 2, g)] it was not defined.

(i) Corresponds to (f) of 1907 act, but has been recast and modelled largely after the definition of the New Zealand bill of 1913.

(j) Is new.

(k) Corresponds to (g) of 1907 act, but has been recast and modeled largely after the definition in the New Zealand bill of 1913. There has been a good deal of misunderstanding and some doubt as to the meaning of the old definition. See, for instance, Rex v. Holowaskawe (24 O. W. R. 397). It has been suggested that in further conformity with the definition in the New Zealand bill above mentioned and following the principle contained in section 6 of the industrial conciliation and arbitration act of the Commonwealth of Australia (1904-1910) the following clause should be added to definition (k):

"And the fact that ten or more employees have simultaneously, or at times nearly simultaneously, ceased to work, or refused or failed to continue to work, or to resume or return to work, for an employer, shall, unless the contrary is proved, be conclusive evidence that such employees in such cessation, refusal, or failure were acting in combination and concert and under a common understanding."

(l) Is new.

(m), (n), (o), and (p) are the same as (h), (i), (j), and (k) respectively, of 1907 act.

(q) is (l) of 1907 act amended by inserting the words "whether incorporated or unincorporated, or registered or unregistered." See judgment in Montreal Street Railway case (44 Quebec Reports (Superior Court) p. 350), which seems to imply that incorporation or registration may be necessary in order to give status under the act.

(r), (s), (t), and (u) are new.

ADMINISTRATION.

3. The minister of labor shall have the general administration of this act.

NOTE.—Same as section 3 of 1907 act.

4. The governor in council shall appoint a registrar of boards of conciliation and investigation, who shall have the powers and perform the duties prescribed.

2. The office of registrar may be held either separately or in conjunction with any other office in the public service, and in the latter case the registrar may, if the governor in council thinks fit, be appointed not by name but by reference to such other office, whereupon the person who for the time being holds such office, or performs its duties, shall by virtue thereof be the registrar.

NOTE.—Same as sec. 4 of 1907 act.

BOARDS OF CONCILIATION AND INVESTIGATION.

CONSTITUTION OF BOARDS.

5. Whenever any dispute exists between an employer and any of his employees in any public utility industry, and the parties thereto are unable to adjust it, either of such parties may make application to the minister for the appointment, in respect of such dispute, of a board of conciliation and investigation under the provisions of this act.

NOTE.—Corresponds to section 5 of 1907 act, but the last part of the old section, which referred to alternative procedure in railway cases under the conciliation and labor act, is omitted, the procedure provided by the present bill being made to apply to all railway cases.

It has been suggested that the words "public utility" might be struck out and the provisions respecting applications for boards and investigations and report be thus made to apply to all industries. Sections 68 and 69, however, make certain provisions in respect of other industries.

6. The application shall be according to Form 1, or to like effect, and shall contain the statements and information in the said form indicated.

2. The statements and information contained in the application shall be verified by an affidavit according to Form 2, or to like effect.

3. Any person by law entitled to affirm instead of taking an oath may, instead of such affidavit, make a solemn affirmation which shall have the like force and effect.

NOTE.—Corresponds to section 15 of 1907 act. The order of the sections is considerably changed from that in the old act, with a view to having the provisions as far as possible in the order in which they will require to be consulted in taking proceedings. A form of application is attached to the act and also a form of affidavit verifying the statements in the application, and this section now simply refers to these forms without repeating the particulars of the information and statements required by them. The chief change is the omission of the statement that a lockout or strike will be declared and that the necessary authority for such strike or lockout has been obtained, a statement that the applicants have endeavored, but are unable, to settle the dispute being substituted. The old requirement has caused considerable difficulty in connection with applications and seems objectionable, at all events, in many cases. Getting authority to declare a lockout or strike is considered more likely to cause or increase bitterness than to promote conciliation. Under the United States act, known as the Erdman act, such authority is not required as a condition of obtaining a board, nor was it required under the railway disputes act, 1903. See section 13 of conciliation and labor act. There seemed also to be an inconsistency in requiring a statement that a strike would take place while as matters stood such a strike would be unlawful.

7. The application shall be signed by the persons and under the authority following, namely:

(a) Where the application is made by an employer—

(1) If such employer is an incorporated company or a corporation, by one of its duly authorized managers or other principal executive officers;

(2) If such employer is an individual, by himself;

(3) If such employer is a partnership firm or an unincorporated company or association, by a majority of its members;

(b) Where the application is made by employees—

(1) If the employees desiring to make the application are members of a trade union, by two of the officers of such union duly authorized by a majority of all the members of the union upon vote taken by ballot, or by a majority vote by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose, expressly stated in the notice, of voting upon the question, or, where the dispute directly affects employees in more than one Province of Canada and such employees are members of a trade union having a general committee authorized to carry on negotiations in disputes between employers and employees, by the chairman or president and the secretary of such committee;

(2) If some or all of the employees desiring to make the application are not members of a trade union, by two of their number duly authorized by a majority vote by ballot of the employees affected present at a meeting called on not less than three days' notice for the purpose, expressly stated in the notice, of voting upon the question.

2. The affidavit verifying the application shall be made by the person or persons signing the application, or, where there are more than two, by any two of them.

NOTE.—The same as section 16 of 1907 act as amended in 1910, with a readjustment of form, slight changes in wording, and the addition of subsection 2. In (b) (1) and (b) (2) of subsection 1 the words "expressly stated in the notice" are added.

8. The application and affidavit verifying it shall be transmitted by registered letter addressed to the registrar of boards of conciliation and investigation, department of labor, Ottawa, or delivered personally at the registrar's office; and the date of the receipt of such registered letter at the department, or of such delivery at the office of the registrar, shall be regarded as the date of the receipt of such application.

NOTE.—Same as section 17 of 1907 act except that words are inserted expressly providing for delivering the application at the registrar's office, if preferred, instead of transmitting it by mail.

9. The applicant or applicants shall, prior to or at the time of transmitting or delivering the application to the registrar, also transmit or deliver to or for the other party to the dispute a copy of the application and affidavit.

2. Such copy shall be transmitted by registered letter or delivered personally to the person believed by the applicant or applicants to have authority to deal with the matters in question in the application, or left at such office or with such person as the applicant or applicants believe will cause it to come most promptly to the knowledge of the proper party or parties.

3. The applicant or applicants shall, in the letter, if any, accompanying the application to the registrar, or by separate letter, inform the registrar of the transmission or delivery of such copy to or for the other party, giving particulars as to time of such transmission or delivery and giving the name and address of the person or company to whom the copy has been mailed, or particulars as to whom, how, and where it has been delivered.

NOTE.—Subsection 1 is the same as section 18 of 1907 act except that the words "prior to or" are inserted. Subsection 2 corresponds to section 18 of 1907 act, but is changed by leaving out the details set forth in that section. Subsection 3 is new, corresponding however, to the practice of the department in requiring information as to when and how a copy of the application was transmitted or delivered to the other party.

10. The registrar shall, immediately upon receiving the application, notify the other party, and where not satisfied that a copy of the application and affidavit has been duly transmitted or delivered to such party, or where for any other reason he deems it expedient, shall transmit or deliver a copy of the application and affidavit to or for such party in such way as he deems most speedy and effective.

NOTE.—This section is new, but is in conformity with the practice of the department. It will tend to prevent delay.

11. Upon receipt by the other party to the dispute of a copy of the application for the appointment of a board, such party shall, without delay, prepare a statement in answer to the application, and transmit it by registered letter, or deliver it personally, to the registrar, and shall similarly transmit or deliver a copy thereof to the party making the application.

NOTE.—Same as section 19 of 1907 act with slight verbal changes. The word "reply" is changed to "answer."

12. Either party may, if such party sees fit, either in the application or answer or by separate writing, deposited with the board or the registrar at any time before or after the board has made its report and recommendation, agree to accept and abide by the recommendation of the board, and wherever one party so agrees it shall be the duty of the registrar or the board with whom such agreement is filed to communicate the fact, or a copy of the agreement, to the other party; and where both parties agree to accept and abide by the recommendation of the board, such recommendation shall be deemed to be an agreement between the parties.

NOTE.—Corresponds to section 62 of 1907 act, but the words "if such party sees fit, either in the application or answer or by separate writing, deposited with the board or the registrar" are new, and the words "be deemed an agreement between the parties" are substituted for the former provision that the recommendation of the board might be made a rule of court. As to old section 62, see *Rex v. McGuire* (16 O. L. R., 522), in which Judge Magee expressed doubt as to the force or effect of making the recommendation a rule of court; and *U. M. W. A. v. Strathcona Coal Co.* (8 W. L. R., 649), in which Judge Stuart referred to the section as being a little misleading.

13. Within 10 days after the application is received, the minister, if satisfied that the application is proper and that circumstances warranting the proceedings provided for by this act exist, shall, under his hand and seal of office, grant a board.

2. The decision of the minister as to the granting or refusal of a board shall be final; and when a board is granted by the minister, it shall be conclusively deemed to be authorized by and to be in accordance with the provisions of this act, and no order shall be made or process or proceeding had or taken in any court to question the granting or refusal of a board or to review, prohibit, or restrain the establishment of such board or the proceedings thereof.

NOTE.—Corresponds to section 8 of 1907 act, but the section has been recast and divided into two subsections. The time for granting or refusing a board is reduced from 15 days to 10 days. The special reference to railway disputes is, in conformity with the change made in section 5, omitted, and provision is added excluding the jurisdiction of any court to question or prohibit the establishment or proceedings of a board. In the *Montreal Street Railway case* (44 Quebec Reports (Superior Court) 350), it was held under the old section that while the minister's decision as to granting or refusing a board was final and could not be reviewed, nevertheless the board being an inferior court was subject to the supervision of the superior courts, even to the extent of inquiring into the validity of the application for the board and the facts connected with its establishment, and to the extent of prohibiting any investigation by it. In view of the nature and functions of such a board this state of the law is not considered desirable, and probably was not intended. The deputation of the trades and labor congress (on Jan. 6, 1914) asked amendments to meet the objections to this decision and to prevent nullification of the establishment of boards by reason of technical defects in the application or absence of compliance with the provisions of the act. Compare section 58 of industrial-arbitration act, 1912, of New South Wales. More or less similar provisions are to be found in many modern statutes dealing with bodies such as a board of conciliation and investigation.

Section 73 now also gives the minister authority to establish a board, in the circumstances therein mentioned, even where there is no application from either party.

The shortening of the time for dealing with applications and the alterations made in section 68, old section 57 (as to notice of change in terms of employment) will, at least so far as the act is concerned, lessen the objection that delay occurs in taking proceedings under the act.

14. The board shall consist of three members, who shall be British subjects resident in Canada.

2. The party making the application shall, at the time of making the application, and the other party shall not later than five days after being requested so to do by the minister, each recommend the name of one person who is willing and ready to act as a member of the board, and the minister shall appoint such person a member of the board.

3. In any case where a party fails to duly make a recommendation at or within the time above provided, or within such extension of time as the minister on cause shown grants, the minister shall, as soon after such failure as possible, appoint a fit person to be a member of the board, and such member shall be deemed to be appointed on the recommendation of such party.

4. The members chosen on the recommendation of the parties may, within five days after their appointment, recommend the name of a person who is willing and ready to act as a third member of the board, and the minister shall appoint such person a member of the board.

5. If the members chosen on the recommendation of the parties fail to duly make a recommendation of a third member within the said period, or such extension thereof as the minister, on cause shown, grants, the minister shall as soon thereafter as possible appoint a fit person to be the third member of the board, and such member shall be deemed to be appointed on the recommendation of the two other members.

6. The third member shall be the chairman of the board.

NOTE.—This section combines the provisions of section 7, 8, and 42 of the 1907 act in more orderly form. The words "resident in Canada" are added in subsection 1. In subsection 2 there is a little change, calculated to further avoid delay, in requiring the applicants to name their member of the board at the time of making the application. This will, of course, not prevent the minister granting further time for doing so in accordance with subsection 3.

Section 11 of the 1907 act, providing that members of the board should have no pecuniary interest in the dispute, is omitted. Compare Erdman Act of the United States, which has no such restriction.

15. As soon as possible after the full board has been appointed by the minister, the registrar shall notify the parties of the names of the members of the board and the chairman thereof, and such notification shall be final and conclusive for all purposes.

NOTE.—Same as section 9 of 1907 act.

16. Every member of a board shall hold office from the time of his appointment until the report of the board is signed and transmitted to the minister, and

thereafter shall be subject to be again called into office for the purposes mentioned in section 28 of this act.

NOTE.—Section 10 of 1907 act amended by the addition of all the words after “minister.” See section 28.

17. If a member of a board dies, or becomes incapacitated, or refuses or neglects to act, the vacancy shall be filled by appointing a successor in the manner provided for the appointment of such member.

NOTE.—This takes the place of sections 12 and 48 (2) of 1907 act, which were, in part, duplicates.

18. Before entering upon the exercise of the functions of their office the members of a board, including the chairman, shall make oath or affirmation before a justice of the peace or other person authorized to administer oaths and affirmations that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any of the evidence or other matter brought before the board.

NOTE.—Same as section 13 of 1907 act as amended by section 1, chapter 29, of 1910.

19. The department may provide the board with a secretary, stenographer, or such other clerical assistance as to the minister appears necessary for the efficient carrying out of the provisions of this act.

NOTE.—Same as section 14 of 1907 act.

FUNCTIONS, POWERS, AND PROCEDURE OF BOARDS.

20. Upon the appointment of the board the registrar shall forward or deliver to the chairman a copy of the application and affidavit verifying it and of the statement in answer, if any is received, and the dispute shown in such papers shall thereupon be deemed to be referred to the board, and the board shall forthwith proceed to deal therewith.

2. Should it at any stage of the proceedings be made to appear to the minister that it is necessary, in order to deal satisfactorily with the matters in dispute, that some other matter or matters involved in or incidental to those appearing in the application and statement in answer, if any, should also be referred to the board, the minister may under his hand and seal of office refer such matters to the board accordingly.

NOTE.—Subsection 1 is section 22 of 1907 act, made a little more complete and specific, and subsection 2 is new. The lack of a provision such as subsection 2 has been commented upon. The provision will, among other advantages, tend to prevent delay. Compare section 8 of 1910 act of Commonwealth of Australia.

21. In every case where a dispute is duly referred to a board it shall be the duty of the board to endeavor, in such manner as it deems most expedient, to bring about a settlement of the dispute, and to this end the board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and the right settlement thereof; and the board may, either before, during, or after the taking of evidence, make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute, and it may at any time adjourn the proceedings for any period it thinks reasonable to allow the parties to agree upon terms of settlement.

NOTE.—Same as 23 of 1907 act, with some slight verbal changes, and giving a little more emphasis to the conciliatory functions of the board, which is in accordance with the present practice

22. If a settlement of the dispute is arrived at by the parties during the course of its reference to the board, a memorandum of the settlement shall be drawn up by the board in the form of an agreement between the parties and shall be signed by the parties in triplicate, and the board shall forward to the minister one of the triplicate agreements, together with a report upon the proceedings.

NOTE.—Corresponds to section 24 of 1907 act, but provides that the settlement shall be drawn up in the form of an agreement and signed in triplicate so that each party may have a copy and another copy may be filed with the report. The reference to section 62 has been omitted, in accordance with the change made in old section 62; see new section 12.

23. If a settlement of the dispute is not arrived at during the course of its reference to the board, the board shall make a full report thereon to the

minister, which report shall set forth the various proceedings and steps taken by the board for the purpose of fully and carefully ascertaining all the facts and circumstances, and shall also set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement thereof according to the merits and substantial justice of the case.

NOTE.—Same as section 25 of 1907 act with slight verbal change.

24. The board's recommendation shall deal with each item of the dispute and shall state in plain terms, and avoiding as far as possible all technicalities what in the board's opinion ought or ought not to be done by the respective parties concerned.

2. Where the parties have agreed to accept and abide by the recommendation of the board, and wherever in any other case it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence.

NOTE.—Corresponds to section 24 of 1907 act, but the words "where the parties have agreed to accept and abide by the recommendation of the board" have been inserted, in order that the duration of the agreement or recommended arrangement shall in such case always be definitely fixed and stated.

25. The board's report and recommendation shall be made to the minister in writing, and shall be signed by such of the members as concur therein, and shall be transmitted by the chairman by registered letter to the register as soon as practicable after the reference of the dispute to the board; and in the same manner a minority report may be made by any dissenting member of the board.

NOTE.—Same as section 27 of 1907 act.

26. Upon receipt of the board's report the minister shall forthwith cause the report to be filed in the office of the registrar and a copy thereof to be sent free of charge to the parties to the dispute, and to the representative of any newspaper published in Canada who applies therefor, and the minister may distribute or otherwise publish copies or a digest of the report, and of any minority report, in such manner as to him seems most desirable as a means of securing compliance with the board's recommendation. The registrar shall, upon application, supply certified copies, for a prescribed fee, to persons other than those mentioned in this section.

NOTE.—Same as section 28 of 1907 act, but with more comprehensive provision for publication of the report or a digest of it; the words "or otherwise publish" and "or a digest of" are added.

27. For the information of Parliament and the public, the report and recommendation of the board, and any minority report, shall, without delay, be published in the Labor Gazette, and be included in the annual report of the department of labor to the Governor General.

NOTE.—Same as section 29 of 1907 act.

28. Where any question arises as to the meaning or application of, or as to anything relating to or connected with any recommendation made by the board, or any settlement agreement drawn up by the board under section 22 of this act, the minister, where he deems it expedient, may, on the application of either party or of his own motion, request from the chairman of the board an expression of the board's opinion upon such question, and the chairman shall upon receipt of such request reconvene the board, and the board shall as soon as practicable report to the minister its opinion upon such question.

NOTE.—This section is new. The absence of such a provision has been commented upon. See Sir George Askwith's report on Canadian act, made to Board of Trade of Great Britain, December, 1912, page 13. There is a similar provision in the Erdman Act (1913) of the United States, section 2.

29. For the purpose of its inquiry, the board shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of compelling witnesses to give evidence on oath or on solemn affirmation (if they are persons entitled to affirm in civil matters) and to produce such books, papers, or other documents and things as the board deems requisite to the full investigation of the matters into which it is inquiring, which are vested in any court of record in civil cases.

2. Any member of the board may administer an oath, and the board may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

NOTE.—Same as section 30 of 1907 act, but with the change of the word "requiring" to "compelling" and "as is" to "which are" in the first subsection.

30. The summons shall be according to Form 3, or to like effect.

NOTE.—Corresponds to section 31 of 1907 act, but the form of summons is now attached to the act.

31. All books, papers, and other documents and things produced before the board, whether voluntarily or in pursuance to summons, may be inspected by the board, and also by such parties as the board allows; but the information obtained therefrom shall not, except in so far as the board deems it expedient, be made public, and such parts of the books, papers, or other documents as in the opinion of the board do not relate to the matter at issue may be sealed up.

NOTE.—Same as section 32 of the 1907 act.

32. A party to the proceedings shall be competent and may be compelled to give evidence as a witness.

NOTE.—Section 33 of 1907 act.

33. Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the superior courts in the Province where the inquiry is being conducted.

NOTE.—Same as section 34 of 1907 act.

34. Where a reference has been made to the board of a dispute between a railway company and its employees, any witness summoned by the board in connection with the dispute shall be entitled to free transportation over any railway en route when proceeding to the place of meeting of the board and thereafter returning to his home, and the board shall furnish to such witness a certificate in Form 4, or to like effect, evidencing his right to such free transportation.

NOTE.—Same as section 35 of 1907 act, but the form of certificate to be used is attached to the act.

35. If any person who has been duly served with such summons and to whom at the same time payment or tender has been made of his reasonable traveling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper, or other document or thing as required by his summons, he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars, unless he shows that there was good and sufficient cause for such failure; but nothing in this section or done thereunder shall affect the exercise of the powers conferred upon the board by section 29 of this act.

NOTE.—Same as section 36 of 1907 act, except that the penalty is doubled, and all the words after "failure" are added at the end.

36. If, in any proceedings before the board, any person wilfully insults any member of the board, or wilfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any wilful contempt in the face of the board, any officer of the board, or any constable may take the person offending into custody and remove him from the precincts of the board, to be detained in custody until the rising of the board, and the person so offending shall be liable to a penalty not exceeding two hundred dollars; but nothing in this section or done thereunder shall affect the exercise of the powers conferred upon the board by section 29 of this act.

NOTE.—Same as section 37 of 1907 act, except that penalty is doubled, and all the words after "dollars" are added at the end.

37. The board, or any member thereof, and, on being authorized in writing by the board, any other person, may, without any other warrant than this act, at any time, enter any building, mine, mine workings, ship, vessel, factory, workshop, place, or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place or has taken place, which is the subject of the board's inquiry or connected therewith, and inspect and view any work, material, machinery, appliance, or article therein, and interrogate any person in or upon

any such building, mine, mine workings, ship, vessel, factory, workshop, place, or premises as aforesaid, in respect of or in relation to any matter or thing hereinbefore mentioned, and any person who hinders or obstructs the board or any such person authorized as aforesaid, in the exercise of any power conferred by this section, shall be guilty of an offence and be liable to a penalty not exceeding two hundred dollars.

NOTE.—Section 38 of 1907 act slightly altered in phraseology and the words "is connected therewith" are inserted.

38. Any party to a reference may be represented before the board by three or less than three persons designated for the purpose, or by counsel or solicitor, but no counsel or solicitor shall be entitled to appear or be heard before the board except with the consent of the parties to the dispute, and notwithstanding such consent the board may decline to allow counsel or solicitor to appear.

NOTE.—Contains the provisions of sections 39 and 41 of 1907 act.

39. Every party appearing by a representative shall be bound by the acts of such representative.

NOTE.—Same as section 40 of 1907 act.

40. If, without good cause shown, any party to proceedings before the board fails to attend or to be represented, the board may proceed as if he had duly attended or had been represented.

NOTE.—Same as 43 of 1907 act.

41. The sittings of the board shall be held at such time and place as are from time to time fixed by the chairman, after consultation with the other members of the board, and the parties shall be notified by the chairman as to the time and place at which sittings are to be held; provided that, so far as practicable, the board shall sit in the locality within which the subject-matter of the proceeding before it arose.

NOTE.—Same as 44 of 1907 act.

42. The taking of evidence by the board shall be conducted in public except where the board, on the application of any of the parties or of its own motion, directs that it shall be conducted in private, in which case only the parties, their representatives, the witness under examination, and the members and officers of the board shall be entitled to be present.

NOTE.—Corresponds to section 45 of 1907 act, the words "taking of evidence" being substituted for "proceedings" in the first line and the phraseology of the last part of the section being altered.

43. The decision of a majority of the members present at a sitting of the board shall be the decision of the board, and the findings and recommendations of the majority of its members shall be those of the board.

NOTE.—Same as 46 of 1907 act.

44. The presence of the chairman and at least one other member of the board shall be necessary to constitute a sitting of the board.

NOTE.—Same as 47 of 1907 act.

45. In case of the absence of any one member from a meeting of the board the other two members shall not proceed, unless it is shown that the third member has been notified of the meeting in ample time to admit of his attendance.

NOTE.—Same as 48 of 1907 act.

46. The signature of the chairman to summonses, certificates, directions, process and proceedings, and other papers or writings of the board, except its findings and recommendations, shall be sufficient without further signature or authentication, and shall be deemed to be the act of the board and an exercise of the board's authority.

NOTE.—This section is new. It makes clear what would probably, for the most part at least, be held to be the law. It is desirable as a matter of convenience that the chairman should be able to do the things mentioned.

47. The board may at any time dismiss any matter referred to it which it thinks frivolous or trivial.

NOTE.—Same as 49 of 1907 act.

48. The board may, with the consent of the minister, employ competent experts or assessors to examine the books or official reports and records of either

party, and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or records or the results of such inspection or examination under this section without the consent of both the parties to the dispute.

NOTE.—Same as 50 of 1907 act, with insertion of the words "and records" in third line and "or records" in fifth line.

REMUNERATION AND EXPENSES OF BOARD.

49. The members of a board shall be remunerated for their services as follows:

(a) To members other than the chairman, an allowance of five dollars a day for a time not exceeding three days during which the members may be actually engaged in selecting a third member of the board;

(b) To each member of the board, including the chairman, an allowance at the rate of twenty dollars for each day's sitting of the board and for each day necessarily engaged in traveling from or to his place of residence to attend or after attending a meeting of the board.

NOTE.—Same as 51 substituted in the act of 1907 by amending act of 1910, chapter 29, section 4.

50. No member of the board shall accept in addition to his salary as a member of the board any perquisite or gratuity of any kind, from any corporation, association, partnership or individual in any way interested in any matter or thing before or about to be brought before the board in accordance with the provisions of this act.

2. The accepting of such perquisite or gratuity by any member of the board shall be an offense and shall render such member liable to a fine not exceeding one thousand dollars.

NOTE.—Same as 52 of 1907 act.

51. Each member of the board will be entitled to his actual necessary traveling expenses for each day that he is engaged in traveling from or to his place of residence for the purpose of attending or after having attended a meeting of the board.

NOTE.—Same as 53 of 1907 act.

52. All expenses of the board, including expenses for transportation incurred by the members thereof or by persons under its order in making investigations under this act, salaries of employees and agents, and fees and mileage to witnesses shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the board, which vouchers shall be forwarded by the chairman to the minister. The chairman shall also forward to the minister a certified and detailed statement of the sittings of the board, and of the members present at such sittings.

NOTE.—Same as 54 of 1907 act.

INDUSTRIAL AGREEMENTS.

53. Industrial agreements for any term not exceeding five years entered into respecting terms of employment between an employer and—

(a) A trade union to which any number of his employees belong, or

(b) A majority of his employees or the representatives of such majority, or

(c) A majority of such of his employees as assemble at a meeting called on not less than three days' notice for the purpose, expressly stated in the notice, of dealing with the question of such agreement, or the representatives of such majority, may be registered with the registrar without fee by transmitting or delivering to him such agreement or a duplicate thereof.

NOTES.—Sections 53–56, dealing with industrial agreements, are new. Their object, briefly, is to promote the entering into and observance of agreements between employers and unions, or other bodies of employees, respecting terms and conditions of employment. The advantage to every one of such agreements is generally admitted. Provisions respecting them are to be found in the statutes of a number of places. See industrial arbitration act of New South Wales, 1912, sections 11, 12; Commonwealth of Australia, 1904, sections 75, 85; New Zealand act, 1908, sections 25, 26, 28; and see recommendation in Report of British Columbia Royal Commission on Labor, 1914, page 18. In 1904 a law was passed in Switzerland, Canton of Geneva, dealing rather elaborately with the matter of collective agreements. Provisions respecting such agreements are also to be found in a number of other laws.

It will be observed that under the provisions of the present bill recommendations of a board which the parties have agreed to abide by are classed as industrial agreements. (See sec. 54.) Industrial agreements are to be for a term not exceeding five years and may be registered (see sec. 53), and they are in all cases to be binding on the successors of the employer and employees as well as on those who were employer and employees at the time the agreement was made (sec. 55). Any such agreement may be terminated by mutual consent or, if sufficient cause is shown, may be canceled by a board on application of either party (secs. 55, 56). While a registered industrial agreement is in force in any public-utility industry, it is to be unlawful to strike or lockout (sec. 59).

It is considered better that industrial agreements should not be made for too long a term, as expiration and renewal gives an opportunity for any readjustment that change in conditions or other circumstances may make proper or desirable, and this also makes such agreements more likely to be lived up to. The provision for release from any such agreement that in the opinion of a board has proved unjust will also, no doubt, tend to the same end and will make such agreements more likely to be entered into.

It will be observed that there is no attempt in the bill to prevent anyone ceasing to employ or ceasing to work, for any ordinary cause, when he sees fit; the prohibition is merely that in public-utility industries he must not lockout or strike while the agreement is in force.

54. All settlement agreements made pursuant to section 22 of this act, and such recommendations of boards under the provisions of this act as the parties have agreed to accept and abide by, shall, for the purposes of this act, be deemed to be industrial agreements, and it shall be the duty of the registrar to register the same without any application for such registration.

NOTE.—See note to 53.

55. Every industrial agreement shall for the purposes of this act, until it has expired or has been canceled by a board under this act or by mutual consent of the parties, be and continue in effect not only as to those who were employer and employees in the employment for which it was made at the time it was made, but also as to the successors of such employer and employees.

NOTE.—See note to 53.

56. Upon the application of either party to an industrial agreement the minister may, if satisfied that the circumstances warrant it, grant a board to consider such agreement, or any question or difficulty arising thereout.

2. Such board shall be appointed and constituted in similar manner to, and shall be deemed to be, and shall have all the powers and duties of, a board of conciliation and investigation under this act, and, except as herein otherwise provided, all the provisions of this act, with such adaptation as may be necessary, shall apply to such board and to the application therefor.

3. In case such board is unable to procure a settlement of the question or difficulty between the parties, it may, if the agreement has been broken by the other party or if it is clearly satisfied that the agreement is unjust, and if it is satisfied that in all the circumstances the applicant should be relieved therefrom, set aside or cancel the agreement.

4. Nothing contained in or done under this section shall make any strike or lockout lawful or have any effect on the lawfulness or unlawfulness thereof, except that where the board sets aside or cancels an agreement such agreement shall not of itself thereafter be any bar to a strike or lockout.

NOTE.—See note to 53.

REGULATION OF CONDUCT OF EMPLOYERS AND EMPLOYEES.

57. It shall be unlawful in any public-utility industry for any employer to declare or cause a lockout or for any employees to go on strike unless such lockout or strike is on account of a dispute which, after reference and investigation to which such employer or employees have been party, has been reported upon by a board under the provisions of this act; provided that nothing in this section shall be deemed to prohibit a lockout or strike on account of any dispute after such report has been made or to prohibit a lockout or strike by any employer or employees on account of any dispute in respect of which such employer or employees have duly applied for a board under this act and been refused such board by the minister.

NOTES.—Corresponds to sec. 56 of 1907 act, but part of the proviso of that section is now transferred to a separate section (sec. 60), and a new part is added to the effect that where a board has been refused the restriction against lockout or strike shall not apply. Upon this latter point opinion seems to be divided as to what is the meaning of the present act. The special reference to railway disputes under the conciliation and labor act is omitted, as the procedure under the new bill is to apply in all cases; the words "to which such employer or employees have been party" are inserted; and by change of wording the meaning of the old section, as interpreted in *Rex. v. McGuire* (16 Ontario Law Reports, 522), is made plain.

As has often been pointed out, the act does not prohibit strikes or lockouts altogether, but only postpones them until after investigation and report by a board, and this only in public-utility industries, where the public is specially concerned. The chief purpose of the postponement, of course, is that a settlement may, if possible, be brought about in the meantime and a lockout or strike thus altogether avoided. The objections raised by employees that the delay tends to prevent their obtaining betterment of terms or conditions of employment as soon as they otherwise might, and that if they finally have to strike to obtain what they feel they are entitled to the strike is not likely to be so effective, are endeavored to be removed as far as possible by shortening the time for dealing with applications for boards (sec. 13, 1); by distinctly providing that where a board is refused they can (if no industrial agreement (secs. 56, 59) is in effect and if a strike vote has been taken (sec. 58) strike at once (proviso in new sec. 57); and by changing old sec. 57 to make it clear that they do not have to wait till the expiration of the 30 days mentioned in that section before applying for a board in respect of an intended change in terms of employment, but may apply at any time after ten days from the time notice is given (sec. 64). And there are also some other changes designed to prevent delay. See sections 13 (2), 14 (2), 20 (2), 10, and 6, Form 1 (not requiring prior authority for strike before making application).

The principle of prohibiting strikes pending investigation and report was not new. Prior to 1907 it existed in Nova Scotia in the miners' arbitration act, passed in 1890, incorporated in Revised Statutes of Nova Scotia, 1900, caption 21. This statute, however, went further in that it, like most of the Australian and New Zealand legislation, prescribed measures for enforcing the award of the board, even where the parties did not agree to be bound by it. This latter element is entirely absent in the Canadian act. The Transvaal act, passed in 1909, has adopted the principle of the Canadian act, but has extended the prohibition for a month following the report, the object of this extension being to give time to have the contents of the report published and fully considered. A suggestion to insert a 10-day period in the Canadian act was considered, but has not been adopted.

58. It shall be unlawful in any public-utility industry for any employees to go on strike unless and until the employees affected have, by secret ballot, voted on the question of such strike.

NOTE.—This is a new section which it was thought would likely commend itself to all parties.

59. It shall be unlawful in any public utility industry for any employer to declare or cause a lockout or for any employees to go on strike while a registered industrial agreement is in effect respecting the employment in which such lockout or strike takes place.

NOTE.—This is a new section. See notes to section 53.

60. Nothing in this act shall be deemed to prohibit the suspension or discontinuance of any industry, or of the working of any person therein, for any cause not constituting a lockout or strike, except where expressly forbidden or declared unlawful by this act.

NOTE.—Corresponds to part of the proviso in section 56 of 1907 act. See notes to section 57. The exception at the end of the section is intended to prevent any doubt arising as to the prohibition contained in section 64.

61. Any employer declaring or causing a lockout contrary to the provisions of this act shall be liable to a fine of not less than one hundred dollars nor more than one thousand dollars for each day or part of a day that such lockout exists.

NOTE.—Same as section 58 of 1907 act.

62. Any employee who goes on strike contrary to the provisions of this act shall be liable to a fine of not less than ten dollars nor more than fifty dollars for each day or part of a day that such employee is on strike.

NOTE.—Same as section 59 of 1907 act.

63. Any person who orders, declares, counsels, incites, encourages, or aids, in any manner, any employer to declare or continue an unlawful lockout, or any employee to go or continue on an unlawful strike, shall, if such person is an employee in the employment in which the strike or lockout takes place, be liable to a fine of not less than fifty dollars nor more than one thousand dollars, and, if such person is not such an employee, shall be liable to a fine of not less than one hundred dollars nor more than two thousand dollars or to imprisonment for any period not exceeding six months.

NOTE.—Corresponds to section 60 of 1907 act, but the words "orders, declares, counsels" are added, and a distinction is made between commission of the offence by an employee and its commission by a person who is not an employee, the fine being doubled in the latter case and the alternative of imprisonment added.

64. It shall be unlawful in any public utility industry for any employer or employees, except with consent of the other party or by leave or recommendation of a board, to make or demand any change in wages or hours or any other terms of employment, without giving at least thirty days' notice of intention so to do.

2. If willingness to accept such change is not signified by a majority of the employees or the employer, to whom such notice has been given, either party may, at any time after the expiration of ten days from the giving of such notice, apply for a board under this act; and until such application has been made and the matter has been investigated and reported upon by the board, it shall be unlawful, in the absence of acceptance or consent as aforesaid or of leave or recommendation of a board, to make any change in the terms of employment between such employer and employees.

3. Any employer contravening any provision of this section shall be liable to the same penalties as for an unlawful lockout, and any employee contravening any such provision shall be liable to the same penalties as for an unlawful strike.

NOTE.—This section takes the place of section 57 of 1907 act, with very material alterations. First, the section is not, as heretofore, confined to changes in wages or hours, but extends to all terms of employment (see definition in sec. 2, h). It was complained that employers, to avoid committing a lockout or violating this section, but to accomplish the same purpose, sometimes made changes in arrangements or conditions and dealt with their men in ways not expressly forbidden by the act. This alteration should assist in preventing this.

Secondly, it is now made clear that it is not to be necessary to wait till the expiration of the 30 days before applying for a board; that is to be permitted to be done at any time after 10 days.

Thirdly, the onus is put upon the employers or employees, as the case may be, who want to make a change, of applying for a board to investigate and report on the matter (though it is open to either party to apply). Until such application and investigation and report have been made no change can be made except by consent of the other party.

Fourthly, an express penalty is provided for contravention of the section. There was none in the old section (but see sec. 184 of Criminal Code).

Other changes are, the insertion of an express provision allowing changes by consent, and the omission of the clause referring to lockout or strike and continuance of relationship. In New South Wales, which had a similar section (sec. 60, act of 1908) this clause was omitted in 1912. (See sec. 69.) See also comments of Judge Magee as to difficulties in interpreting or working out the old section; *Rex v. McGuire*, 16 Ontario Law Reports, 522.

The provision in the latter part of old section 57 is now contained in section 65.

65. If, in the opinion of the board, any employer or employee uses the provisions of the next preceding section or any other provision of this act for the purpose of unjustly maintaining any condition of affairs through delay, and the board so reports to the minister, such party shall in the case of an employer be liable to the same penalties as for an unlawful lockout, and in the case of an employee to the same penalties as for an unlawful strike.

NOTE.—Part of section 57 of 1907 act.

66. Any employer or employee or other person who—

(a) Hinders or interferes with the free and proper taking of any vote respecting a strike, lockout, or industrial dispute, or respecting the action or conduct, or proposed action or conduct, of any employees in regard to a strike, lockout, or industrial dispute, or in regard to any industrial or trade union matter, or

(b) Hinders or interferes with the voting of any employee entitled to vote in the taking of such vote, or

(c) Intimidates or insults any person in respect of or on account of such voting,

shall be liable to a fine not exceeding two hundred dollars or to imprisonment for any period not exceeding three months.

NOTE.—A new section.

67. The procedure for enforcing penalties imposed or authorized to be imposed by this act shall be that prescribed by Part XV of the Criminal Code relating to summary convictions.

NOTE.—Same as 61 of 1907 act.

NOTES.—Other suggestions.

A number of other suggestions have been made respecting the regulation of the conduct of employers and employees, which may be worthy of consideration. Sections embodying these suggestions are given hereunder under numbers showing where they might appropriately be inserted, with a note of explanation after each section.

63a. Any trade union—

(a) which, or

(b) any branch or local of which, or

(c) any duly authorized officer or agent of which,

has taken part in or ordered, declared, counselled, incited, encouraged, or aided any unlawful strike that has taken place in Canada, shall, while such strike continues, be an unlawful trade union.

2. Where—

(a) the majority of any employees who have gone on an unlawful strike belong to a trade union, or

(b) any officer or agent of a trade union or of a branch or local thereof takes part in or orders, declares, counsels, incites, encourages, or aids an unlawful strike,

such trade union shall be presumed to be a party to such strike unless it is proved that it is not a party thereto, and that it has not ordered, declared, counselled, incited, encouraged, or aided such strike.

NOTE.—Read, with this, suggested section 66a below. For more or less similar provisions see New South Wales act, No. 17, 1912, sections 10, 46, 47; New Zealand 1909: amending act, sections 5, 10. The latter is similar to subsection 2 of this section. The object of this and the next three following suggested sections is, by imposing disabilities in the case of unlawful acts, to make breaches of the law less likely.

63b. Where any employer has declared or caused an unlawful lockout, or contravened the provisions of section 64 of this act, it shall be unlawful for such employer, while any employee in respect of whom such lockout or contravention has taken place is willing to continue or resume employment on the former terms, to employ any other person in the place of such employee; and any employer guilty of so doing shall for each person so employed be liable to the same penalty as for an unlawful lockout, and any person accepting such employment with knowledge of the facts shall be liable to a penalty of not less than ten dollars nor more than fifty dollars a day for each day he continues in such employment.

NOTE.—This section is for the purpose of making more effective the prohibition against an unlawful lockout or against an unlawful change of terms of employment by an employer.

63c. It shall be unlawful for any employee who is on an unlawful strike, or for any one who is a party to, or who has ordered, declared, counselled, incited, encouraged, or aided, such unlawful strike, or the continuance thereof, or who is attempting so to do, and it shall be unlawful for any person with intent to aid or forward an unlawful strike, during such strike—

(a) Anywhere or in any manner to persuade or prevent, or endeavour to persuade or prevent, any person from working for an employer, or

(b) To assemble or be with any two or more other persons at or near the place of employment in which such strike has taken place, or

(c) To be, for the purpose of forwarding or aiding such strike, on any road or highway or in any public place, or

(d) To do any picketing of any nature.

2. Any one contravening the provisions of this section shall be liable to a penalty not exceeding two hundred dollars for each offence or to imprisonment for any period not exceeding three months.

NOTE.—This section is also for the purpose of making the prohibition against an unlawful strike more effective.

Another provision suggested for the purpose of discouraging unlawful strikes was to suspend the provisions of the Alien Labour Act, during the unlawful strike, to the extent of permitting contracts to be made anywhere with any white persons to fill the places of the employees unlawfully on strike. This might be objectionable.

66a. It shall be unlawful in any industry—

(a) For any employer, either directly or indirectly, or by any device or pretense, to dismiss, or to refuse or fail to continue in his employ, or in any way to discriminate against any employee because of such employee joining, belonging to, or being active in the promotion of any lawful trade union;

(b) For any employer to require or request any employee or proposed employee to agree not to join, belong to, or be active in the promotion of any lawful trade union;

(c) For any person to use any threat, or abusive or offensive language or epithet, toward an employee because of such employee joining, belonging to, or being active in the promotion of any lawful trade union;

(d) For any person to use any threat, or abusive or offensive language or epithet, toward an employee because of such employee not joining, belonging to, or being active in the promotion of any trade union;

(e) For any person to use any threat, or abusive or offensive language or epithet toward any person because of such person being in the employ of any employer, or of having been in, or being about to or supposed to be about to enter such employment, or with a view to preventing him from entering such employment; or

(f) For any person, with a view to forwarding any unlawful strike for the purposes of any unlawful trade union, in any manner to publish the name of any person, or call or in any way refer to him as a scab or blackleg or the like, or as being unfair to labour, or to hold any person up to contempt or ridicule, or to request or to suggest that any person should be shunned or avoided.

2. Any employer or other person contravening any provision of this section shall be liable to a fine not exceeding two hundred dollars or to imprisonment for any period not exceeding three months.

NOTE.—The provisions of this section were recommended (for the most part, however, in a more stringent form) in the Report of the Royal Commission (Chief Justice Hunter and Rev. E. S. Rowe) on Industrial Disputes in British Columbia, 1903 (p. 71 et seq.); and by the British Columbia Royal Commission on Labor, 1914 (p. 2). It will be observed that paragraph (f) of the section is limited to things done in furtherance of an unlawful strike or unlawful trade union.

SPECIAL PROVISIONS.

68. Where both parties to a dispute, strike, or lockout apply for, or agree to the appointment of a board of conciliation and investigation under this act the minister may, where he deems it proper, constitute such board in respect of such dispute, strike, or lockout, notwithstanding that the same is in an industry other than a public utility industry, and all the provisions of this act, in so far as applicable, shall apply to such board.

NOTE.—This is a new section corresponding to a great extent to section 63 of 1907 act.

69. Where in any industry any strike or lockout has been long continued, and in the public interest or for any other reason it seems to the minister

expedient, the minister, on the application of any municipality interested or of the mayor, reeve, or other head officer or acting head officer thereof, or of his own motion, may, without application of either of the parties to the dispute, strike, or lockout, constitute a board of conciliation and investigation under this act in respect of any dispute, or strike or lockout, or may in any such case, if it seems to him expedient, either with or without an application from any interested party, recommend to the governor in council the appointment of some person or persons as commissioner or commissioners under the provisions of the inquiries act to inquire into the dispute, strike, or lockout, or into any matters or circumstances connected therewith.

NOTE.—This is a new section, founded largely, however, on sections 6, 9, and 13 of the conciliation and labor act (1906). The extension of the minister's power to appoint boards is also in accordance with the recommendations of the British Columbia Royal Commission on Labor, 1914 (p. 3). Under the 1907 act a board can be appointed only on the application of one or both parties to the dispute (see secs. 5, 8). Under the conciliation and labor act (1906) boards can be appointed for railway disputes on the application of any municipality interested or of the minister's own motion (sec. 13), but for other than railway disputes it requires consent of both parties to have any inquiry under oath. (See sec. 8.) The new section proposes to give the minister power in all cases where, by reason of long-continued strike or lockout or other cause, he deems it expedient to appoint a board and cause an investigation, on the application of any municipality interested or of his own motion, without application by any party to the dispute.

70. The minister, where he deems it expedient may, either upon or without any application in that behalf, make or cause to be made any inquiries he thinks fit regarding industrial matters, and may cause such steps to be taken by his department and the officers thereof as seem calculated to secure industrial peace and to promote conditions favorable to settlement of disputes.

NOTE.—This is a new section, founded on sections 11, 9, and 6 of the conciliation and labor act (1906).

CONCILIATION COUNCILS.

71. Conciliation boards registered under *the conciliation and labor act* shall hereafter be known as conciliation councils.

NOTE.—This section and sections 72 to 75 are for the purpose of retaining the provisions of the conciliation and labor act dealing with voluntary arrangements made between employers and employees for the settlement of their dispute (secs. 2 (h), 3, 4, 5, and 10). The name is changed from conciliation boards to conciliation councils to avoid confusion with the other boards provided for by the act.

72. Any body constituted for the purpose of settling disputes between employers and employees by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers and employees to deal with such disputes, may apply to the minister or registrar for registration as a conciliation council.

2. The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation council, with such other information as the minister or registrar may reasonably require.

NOTE.—Corresponds to 2 (h) and 3 of conciliation and labor act (1906).

73. The minister or registrar shall keep a register of conciliation councils and enter therein with respect to each registered conciliation council its name and principal office and such other particulars as he thinks expedient; and any registered conciliation council shall be entitled to have its name removed from the register on sending to the minister or registrar a written application to that effect.

2. Every registered conciliation council shall furnish such returns, reports of its proceedings, and other documents as the minister or registrar may reasonably require.

NOTE.—Corresponds to sec. 4 of conciliation and labor act (1906).

74. The minister or registrar may, on being satisfied that a registered conciliation council has ceased to exist or to act, remove its name from the register.

NOTE.—Corresponds to section 5 of conciliation and labor act (1906).

75. Proceedings before any conciliation council shall be conducted in accordance with the regulations of such conciliation council, or as is agreed upon by the parties to the dispute.

NOTE.—Corresponds to section 10 of conciliation and labor act (1906).

DUTIES OF THE REGISTRAR.

76. It shall be the duty of the registrar—

(a) To receive and register, and, subject to the provisions of this act, to deal with all applications by employers or employees for a reference of any dispute to a board, and to at once bring to the minister's attention every such application;

(b) To conduct such correspondence with the parties and members of boards as may be necessary to constitute any board as speedily as possible in accordance with the provisions of this act;

(c) To receive and file all reports and recommendations of boards, and conduct such correspondence and do such things as may assist in rendering effective the recommendations of the boards, in accordance with the provisions of this act;

(d) To keep a register in which shall be entered the particulars of all applications, references, reports, and recommendations relating to the appointment of a board, and its proceedings; and to safely keep all applications, statements, reports, recommendations, and other documents relating to proceedings before the board, and, when so required, transmit all or any of such to the minister;

(e) To supply to any parties, on request, information as to this act, or any regulations or proceedings thereunder, and also to furnish parties to a dispute and members of the board with necessary blank forms, forms of summons, or other papers or documents required in connection with the effective carrying out of the provisions of this act;

(f) To file, preserve, and keep a proper index of all industrial agreements received by him for registration;

(g) Generally, to do all such things and take all such proceedings as may be required in the performance of his duties prescribed under this act or any regulations thereunder.

NOTE.—Same as section 55 of act of 1907, with the addition of paragraph (f), making provision respecting industrial agreements.

MISCELLANEOUS.

77. No court of the Dominion of Canada, or of any Province or Territory thereof, shall have power or jurisdiction to recognize or enforce, or to receive in evidence any report of a board, or any testimony or proceedings before a board, as against any person or for any purpose, except in the case of the prosecution of such person for perjury.

NOTE.—Section 64 of 1907 act.

78. No proceeding under this act shall be deemed invalid by reason of any defect of form or any technical irregularity.

NOTE.—Section 65 of 1907 act.

79. The minister shall determine the allowance or amounts to be paid to all persons, other than the members of a board, employed by the Government or any board, including the registrar, secretaries, clerks, experts, stenographers, or other person performing any services under the provisions of this act.

NOTE.—Section 66 of 1907 act.

80. In case of prosecutions under this act, whether a conviction is or is not obtained, it shall be the duty of the clerk of the court before which any such prosecution takes place to briefly report the particulars of such prosecution to the registrar within thirty days after it has been determined, and such clerk shall be entitled to a prescribed fee in payment of his services.

NOTE.—Section 67 of 1907 act.

81. The governor in council may make regulations as to the time within which anything hereby authorized shall be done, and also as to any other matter or thing which appears to him necessary or advisable to the effectual

working of the several provisions of this act. All such regulations shall go into force on the day of the publication thereof in the Canada Gazette, and they shall be laid before Parliament within fifteen days after such publication, or, if Parliament is not then in session, within fifteen days after the opening of the next session thereof.

NOTE.—Section 68 of 1907 act.

82. All charges and expenses incurred by the Government in connection with the administration of this act shall be defrayed out of such appropriations as are made by Parliament for that purpose.

NOTE.—Section 69 of 1907 act.

83. An annual report with respect to the matters transacted by him under this act shall be made by the minister to the Governor General, and shall be laid before Parliament within the first fifteen days of each session thereof.

NOTE.—Section 70 of 1907 act.

FALSE REPRESENTATION.

84. Every person who—

(a) Verbally or in writing, or by advertisement or otherwise, publishes or circulates, or causes or procures or assists in causing or procuring to be published or circulated, in Canada, any false representation as to opportunities for employment, or as to the state of the labor market, or as to the existence or non-existence of any strike, lockout, or other labor dispute, or as to anything respecting any industry or employment, intended or calculated to encourage or induce any person to come into Canada, or to change from one part of Canada to another, or to deter or prevent any person from coming into Canada, or from changing from one part of Canada to another, to work in any industry; or

(b) Does in Canada anything for the purpose of causing or procuring the publication or circulation outside of Canada of any such false representation, shall be liable to a penalty not exceeding one thousand dollars.

NOTE.—This is a new section, designed to prevent abuses complained of as to false representations to workmen. It covers in part the same ground as chapter 16 of the Statutes of 1905, but is much more comprehensive.

AMENDMENTS TO LABOR DEPARTMENT ACT.

85. The labor department act is amended by adding at the end thereof the following section:

STATISTICS.

5. With a view to the dissemination of accurate statistical and other information relating to the conditions of labor, the department of labor shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labor, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the Labor Gazette, which shall contain information regarding conditions of the labor market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the minister.

NOTE.—This section provides for putting what was section 12 of the conciliation and labor act (1906) in the labor department act as being a more appropriate place.

86. Section 4 of the labor department act is amended by striking out from the second and third lines thereof the words "the conciliation and labor act and the industrial disputes investigation act, 1907," and inserting in lieu thereof the words "the industrial disputes act."

NOTE.—This section merely provides for making in the labor department act the changes of names of acts made necessary by the repeal of the existing acts and the substitution for them of a new act with a different title.

REPEAL.

87. The conciliation and labor act and the industrial disputes investigation act, 1907, and all amendments thereto, are repealed.

(See sec. 6.)

SCHEDULE.

FORM 1.

Department of Labor, Canada—The Industrial Disputes Act.

APPLICATION FOR APPOINTMENT OF A BOARD OF CONCILIATION AND INVESTIGATION.

_____, 19____.
(Locality and date.)To the REGISTRAR,
Boards of Conciliation and Investigation,
Department of Labor, Ottawa.

1. The undersigned hereby make application to the minister of labor for the appointment of a board of conciliation and investigation, under the industrial disputes act, in respect of a dispute which has taken place and is now existing at_____

(Give place or locality of dispute as definitely as possible.)

in the_____trade or industry.

(State nature of trade or industry.)

between _____

(State here the name and address of each employer, individual, or company involved.)

and _____employer,

(Designate in general terms the employees involved, by classes of employment—for example, if members of a union, give name of union.)

_____employees.

2. The number of employees affected, or likely to be affected, by the said dispute are, as well as the same can be estimated, as follows:

DIRECTLY AFFECTED.	INDIRECTLY AFFECTED.
Males 21 years or over_____	_____
Males under 21 years_____	_____
Females _____	_____
Total _____	_____

3. The nature and cause of the said dispute, and the claim and demands made by either party upon the other to which exception is taken, are as follows:

(State these matters as clearly as possible.)

4. The efforts which have been made by parties concerned to adjust the said dispute are as follows:

(Outline negotiations or other efforts made toward adjustment.)

5. The said dispute has not yet been adjusted.

6. This application is made on behalf of the

(State whether on behalf of employer or employees.)

7. The applicants have earnestly endeavored to settle the said dispute but are unable to obtain a settlement which will give them what they feel they are justly entitled to.

8. The applicants hereby recommend as a member of the said board of conciliation and investigation the following person, who is willing and ready to act as such member, namely:¹

Name in full-----

Address-----

9. Authority to sign this application has been given as follows:

(Here give details showing by whom, where, and when authority was given in accordance with section 7 copied below.)²

¹ "The party making the application shall, at the time of making the application, and the other party shall not later than five days after being requested so to do by the minister, each recommend the name of one person who is willing and ready to act as a member of the board, and the minister shall appoint such person a member of the board." [Sec. 14 (2).]

"In any case where a party fails to duly make a recommendation at or within the time above provided, or within such extension of time as the minister, on cause shown, grants, the minister shall, as soon after such failure as possible, appoint a fit person to be a member of the board, and such member shall be deemed to be appointed on the recommendation of such party." [Sec. 14 (3).]

² "The application shall be signed by the person and under the authority following, namely:

(a) Where the application is made by an employer—

(1) If such employer is an incorporated company or a corporation, by one of its duly authorized managers or other principal executive officers;

(2) If such employer is an individual, by himself;

(3) If such employer is a partnership firm or an unincorporated company or association, by a majority of its members;

(b) Where the application is made by employees—

(1) If the employees desiring to make the application are members of a trade-union, by two of the officers of such union duly authorized by a majority of all the members of the union upon vote taken by ballot, or by a majority vote by ballot of the members of the union present at a meeting called on not less than three days' notice for the purpose, expressly stated in the notice, of voting upon the question, or, where the dispute directly affects employees in more than one Province of Canada and such employees are members of a trade-union having a general committee authorized to carry on negotiations in disputes between employers and employees, by the chairman or president and the secretary of such committee;

(2) If some or all of the employees desiring to make the application are not members of a trade-union, by two of their number duly authorized by a majority vote by ballot of the employees affected present at a meeting called on not less than three days' notice for the purpose, expressly stated in the notice, of voting upon the question." [Sec. 7 (1).]

INDORSEMENT ON APPLICATION.

NOTE.—The attention of the party making the application is directed to the following sections of the act:

"The application and affidavit verifying it shall be transmitted by registered letter addressed to the registrar of boards of conciliation and investigation, department of labor, Ottawa, or delivered personally at the registrar's office; and the date of the receipt of such registered letter at the department, or of such delivery at the office of the registrar, shall be regarded as the date of the receipt of such application." (Sec. 8.)

"The applicant or applicants shall, prior to or at the time of transmitting or delivering the application to the registrar, also transmit or deliver to or for the other party to the dispute, a copy of the application and affidavit.

"Such copy shall be transmitted by registered letter or delivered personally to the person believed by the applicant or applicants to have authority to deal with the matters in question in the application, or left at such office or with such person as the applicant or applicants believe will cause it to come most promptly to the knowledge of the proper party or parties.

"The applicant or applicants shall, in the letter, if any, accompanying the application to the registrar, or by separate letter, inform the registrar of the transmission or delivery of such copy to or for the other party, giving particulars as to time of transmission or delivery, and as to the name and address of the person or company to whom it has been mailed, or as to whom, how, and where it has been delivered."

(Sec. 9.) The attention of the party receiving a copy of this application, is directed to the following section of the act:

"Upon receipt by the other party to the dispute of a copy of the application for the appointment of a board, such party shall, without delay, prepare a statement in answer to the application, and transmit it by registered letter, or deliver it personally to the registrar, and shall similarly transmit or deliver a copy thereof to the party making the application." (Sec. 11.)

The attention of both parties is called to the following:

"Either party, may if such party sees fit, either in the application or answer or by separate writing, deposited with the board or the registrar at any time before or after the board has made its report and recommendation, agree to accept and abide by the recommendation of the board, and wherever one party so agrees it shall be the duty of the registrar or the board with whom such agreement is filed to communicate the fact, or a copy of the agreement, to the other party, and where both parties agree to accept and abide by the recommendation of the board such recommendation shall be deemed to be an agreement between the parties." (Sec. 12.)

IN WITNESS WHEREOF the persons authorized to make this application have hereunto put their signatures.

Signature_____

Address_____

Signature_____

Address_____

(When the signatures are those of officers of a trade-union, the nature of the offices respectively held should be stated.)

(See secs. 6 (2), 7 (2).)

FORM 2.

AFFIDAVIT VERIFYING APPLICATION.¹

THE INDUSTRIAL DISPUTES ACT.

CANADA:

Province of_____ I, _____

County of_____ of the_____ of _____

To wit: _____ in the_____ of _____

(Occupation.)

make oath and say:

1. That I have carefully read over the foregoing application.
2. That the statements and information contained in the said application are, to the best of my knowledge and belief, true in substance and in fact.

and I, _____

of the_____ of _____

in the_____ of _____

(Occupation.)

make oath and say:

1. That I have carefully read over the foregoing application.
2. That the statements and information contained in the said application are, to the best of my knowledge and belief, true in substance and in fact.

Sworn by the said_____

and by the said_____

Signatures:

before me at_____ in the

county of_____ this

day of_____ A. D. 19____

A commissioner, etc.

¹ To be sworn before a commissioner for taking affidavits or any other functionary authorized by law to administer oaths and affirmations.

"The statements and information contained in the application shall be verified by an affidavit according to Form 2, or to like effect." [Sec. 6 (2).]

"Any person by law entitled to affirm instead of taking an oath may, instead of such affidavit, make a solemn affirmation which shall have the like force and effect." [Sec. 6 (3).]

"The affidavit verifying the application shall be made by the person or persons signing the application or, where there are more than two, by any two of them." [Sec. 7 (2).]

(See sec. 30.)

FORM 3.

[Coat of arms.]

SUMMONS TO WITNESS.

THE INDUSTRIAL DISPUTES ACT.

In the matter of a dispute between-----

and

Employer.

Employees.

Whereas it has been made to appear that you are likely to give material evidence respecting the matters now being investigated by the board of conciliation and investigation constituted herein under the industrial disputes act; These are, therefore, to require you to attend before the said board at

on-----the-----day of-----

19____at the hour of-----in the-----noon, to give evidence in the above matter (and you are required to bring with you and produce before the said board at the time and place aforesaid)-----

-----and any other books, papers, or documents in your custody or under your control in any way relating to the said matter).

Given under my hand and seal this-----day of

-----19____.

To-----

-----,
Chairman of Board of Conciliation and Investigation.

(See sec. 34.)

FORM 4.

CERTIFICATE FOR FREE TRANSPORTATION.

THE INDUSTRIAL DISPUTES ACT.

In the matter of a dispute between-----

Employer;

and

Employees.

This is to certify that-----

who resides at----- has been summoned
as a witness to attend before the board of conciliation and investigation in the
above matter and is entitled under section 34 of the said act to free transporta-
tion over any line of railway from his said residence to-----and
return to-----

Dated at----- this----- day of
----- 19--

*Chairman of Board of Conciliation
and Investigation.*

TABLE OF CORRESPONDING SECTIONS.

INDUSTRIAL DISPUTES INVESTIGATION ACT 1907, CHAPTER 20.

Sec.	Section in new bill.	Sec.	Section in new bill.
1	1	21	Omitted.
2	2	22	20
(a)	(a)	23	21
(b)	(b)	24	22
(c)	(c)	25	23
(d)	(d)	26	24
(e)	(g), (h)	27	25
(f)	(i)	28	26
(g)	(k)	29	27
(h)	(m)	30	29
(i)	(n)	31	30
(j)	(o)	32	31
(k)	(p)	33	32
(l)	(q)	34	33
3	3	35	34
4	4	36	35
5	5	37	36
6	13	38	37
7	14	39	38
8	14	40	39
9	15	41	38
10	16	42	14 (1)
11	Omitted.	43	40
12	17	44	41
13	18	45	42
14	19	46	43
15	6, 14 (2)	47	44
16	7	48	45, 17
17	8	49	47
18	9	50	48
19	11	51	Repealed.
20	9 (2) (3)		

RAILWAY STRIKES AND LOCKOUTS.

ACT OF 1907.

Sec. 52	50	Sec. 62	12
53	51	63	68
54	52	64	77
55	78	65	78
56	57, 60	66	79
57	64, 65	67	80
58	61	68	81
59	62	69	82
60	63	70	83
61	67		

AMENDING ACT, 1910, CHAPTER 29.

Sec. 1	18	Sec. 4	49
2	6 (2)	5	64
3	7. (b) (1)		

CONCILIATION AND LABOR ACT, R. S. (1906), CHAPTER 96.

Sec. 1	Omitted.	Sec. 15	Omitted.
2 (a)	See 2 (a)	16	Omitted.
(b)	See 2 (c) (d)	17	Omitted.
(c)	See 2 (c) (d)	18	Omitted.
(d)	See 2 (c) (d)	19	Omitted.
(e)	See 2 (g)	20	Omitted.
(f)	Omitted.	21	Omitted.
(g)	See 2 (m)	22	Omitted.
(h)	72	23	Omitted.
(i)	Omitted.	24	Omitted.
(j)	Omitted.	25	Omitted.
3	72	26	Omitted.
4	73	27	Omitted.
5	74	28	Omitted.
6	See 69, 70	29	Omitted.
7	Omitted.	30	Omitted.
8	Omitted.	31	Omitted.
9	See 69	32	Omitted.
10	75	33	Omitted.
11	See 70	34	See 81
12	85	35	See 83
13	See 69	36	See 82
14	Omitted.		

VI. THE UNITED STATES.

HISTORY OF FEDERAL LEGISLATION.

The history of legislation by the Federal Government relative to the prevention of strikes and the peaceable adjustment of disputes between railways and their employees dates back to the year 1888. An analysis of this legislation and the operation of the various laws has been set forth in another report recently prepared by the Board of Mediation and Conciliation,¹ the leading features of which are succinctly presented below:

HISTORY OF MEDIATION AND ARBITRATION LEGISLATION.

THE ACT OF 1888.

The first law dealing with the adjustment of controversies between transportation companies and their employees was approved October 1, 1888. It

¹ Railroad Labor Arbitrations. Report of the United States Board of Mediation and Conciliation on the Effects of Arbitration Proceedings upon Rates of Pay and Working Conditions of Railroad Employees. Senate Document No. 498, 64th Cong., 1st sess.

provided for voluntary arbitration and substantially for compulsory investigation. The law of 1888 provided that in the event of controversy either side might propose in writing to submit the differences to arbitration; and if the other party to the controversy should accept the proposition each side should then appoint one arbitrator and these two should select a third. The three persons thus selected were created a board of arbitration.

The board of arbitration was given all the power of administering oaths, subpoenaing witnesses, requiring the production of papers, etc., that belong "to the United States commissioners appointed by the circuit court of the United States."

The act of 1888 provided that upon the conclusion of its investigation the decision of the board of arbitration should be publicly announced and a copy of it filed with the Commissioner of Labor of the United States. No provision of any kind was made for enforcing any award of the board, and the act evidently relied on the force of public opinion to make effective the decision of the arbitrators. In this respect the act of 1888 is similar to the Canadian act.

The act of 1888 provided also that the President might select two commissioners who, together with the United States Commissioner of Labor, should "constitute a temporary commission for the purpose of examining the causes of the controversy, the conditions accompanying, and the best means for adjusting it." The report of the commission was to be transmitted to the President and to the Congress. The services of such commission might be tendered by the President for the purpose of settling a controversy "either upon his own motion or upon the application of one of the parties to the controversy or upon the application of the executive of the State." A commission thus created by the President was given all the power and authority given to the board of arbitration. The commission's decision was to be made public and was "to advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust the matters in dispute." As in the case of the arbitration boards, no means were afforded for enforcing the decisions of these special commissions.

The provisions of this act were never utilized.¹

THE ERDMAN LAW.

The Federal law which superseded the act of 1888 is commonly known as the Erdman Act.² This law provided means for the mediation and arbitration of controversies affecting railways and their train-service employees and was the basis of existing legislation. It was enacted in June, 1898. During the first eight and a half years following the passage of the law only one attempt was made to utilize it. Within the next five years, however, its provisions were invoked more than 60 times, the effectiveness of the law established, and methods of procedure under its provisions fully developed.

THE PROVISIONS OF THE ERDMAN LAW.

The scope of this law included only employees directly engaged in the movement of trains—engineers, firemen, conductors, trainmen, switchmen, and telegraphers. The mediation proceedings were purely voluntary. Either party to a controversy might invoke the assistance of the Federal mediators, the chairman of the Interstate Commerce Commission, and the Commissioner of Labor. The mediators had no power to intervene in any controversy upon their own initiative. Their activities "were conditioned, first, upon the receipt of a request for mediation under the law from one of the parties to the controversy, and second, upon the acceptance by the other party of the mediators tender of friendly offices."¹

PROCEDURE UNDER THE ERDMAN LAW.

The course of procedure for the peaceable settlement of wage disputes under the Erdman law was followed under the provisions of subsequent legislation. It has been well described in a bulletin issued by the Bureau of Labor, which

¹ Mediation and Arbitration of Railway Labor Disputes in the United States, by Charles P. Neill, Bulletin No. 98, U. S. Bureau of Labor.

² See appendix.

may be quoted in order that the prevailing methods of adjustment of controversies may be fully understood:

"The course through which the mediation provisions of the Erdman Act are invoked is ordinarily somewhat as follows: A controversy arises between a railroad company and one or more classes of its employees coming within the provisions of the act. This controversy may relate to proposed changes in the existing rates of pay or the existing regulations governing working conditions, or it may arise over some grievance growing out of a misunderstanding of the terms of the existing contract and involve no proposals for changed conditions. If no settlement can be reached by the local committee or the general committee directly representing the employees on the road or roads involved, the questions in dispute are referred by the employees to their national organization, and a grand officer, as he is termed, of that organization then takes the matter up directly with the road or roads involved and endeavors by direct negotiation to effect a settlement. If this effort fails, the questions in dispute and any proposal of settlement offered by the road are usually laid before the employees concerned, and they are asked to vote upon whether they are willing to inaugurate a strike unless some basis of settlement more satisfactory to their representatives than the one offered can be secured. If the vote of the men is in favor of a strike to enforce their proposals, the grand officer again opens negotiations with the road in a further effort to effect an amicable adjustment of the controversy. If these negotiations prove fruitless, or if at the outset it is apparent that no settlement can be effected directly by the parties concerned, one or the other of the parties to the dispute makes an application to the mediators designated in the Erdman Act, requesting them to use their friendly offices to bring about an amicable adjustment of the controversy and avert the threatened strike.

"When both sides have agreed to mediation proceedings they are as a rule begun very promptly, usually the only delay being that which is involved in getting the parties concerned together at the place decided upon. By reference to the date and place where the mediation proceedings have begun, and comparing these with the date the application was received, some idea may be gained of the promptness with which it has been felt necessary to take up negotiations in the majority of the cases in which the provisions of the Erdman Act have been invoked. There is no fixed rule as to where mediation proceedings shall be held. In numerous instances the representatives of the parties in controversy have come to Washington, and the negotiations have been conducted there. When this has not been feasible or desirable, one or both mediators have gone to the place in which the parties had up to that time conducted their negotiations, and the mediation conferences have been carried on there. The mediators have covered a rather wide range of territory, having carried on conferences at points as remote from Washington as St. Paul, Denver, and El Paso.

"The proceedings are purposely kept as informal as possible, in order that they may be the more readily adapted to the exigencies of any given case. Conferences are always held with the two parties to the controversy separately, and a joint meeting is never arranged until either a complete settlement of the questions in dispute or an agreement to arbitrate has been brought about by the mediators and agreed to in writing by the two parties.

"Ordinarily the mediators begin by meeting the representatives of the side by which the mediation was invoked. After learning the matters at issue and discussing these in a general way, a conference is held by the mediators with the other party to the dispute. Successive conferences are then held by the mediators with one or the other party alternately, or it may happen that several successive conferences are held with one side before again conferring with the other side. The procedure in this respect is a matter governed entirely by the nature of the questions at issue and the particular conditions existing in any given case.

"No limit is set to the number of conferences which may be held nor to the period which may be devoted to the mediation proceedings. Some cases have been brought to a successful termination within a few days, but these are exceptions; from one to two weeks is more nearly the rule. In some of the large cases where conditions were peculiarly acute, and a tension existed which made it important to secure a settlement at the earliest possible moment, conferences have for days at a time been carried on throughout the entire day and far into the night; and even what were practically all-night sessions have not been unusual.

"While the procedure usually follows the above lines, any variation which seems desirable may be introduced, and the only fixed and unvarying rule is that neither side shall know what concessions the other side is willing to make unless and until an amicable agreement is reached. This rule has been adopted because both sides are more likely to make concessions if there is no danger that these concessions may later on be used to their disadvantage if the case should go to arbitration. It is always possible that the mediation proceedings may prove ineffective and that the case may go to arbitration. In that event, if any concessions offered by either side were known to the other side and could be adduced before the arbitrators as offers once made, it is obvious that the side which had offered the concessions in the mediation proceedings would be to that extent at a disadvantage in arbitration proceedings. The rule above referred to prevents this difficulty and leaves both parties free to suggest concessions without fear of future prejudice. In the event of a failure to secure a settlement through mediation in any given case, neither party at the end of the proceedings would have any definite knowledge of what concessions the other had been willing to make, and both are therefore in the same relative position as they were when the proceedings began. Neither has gained any tactical advantage, nor has either had its side of the case prejudiced by what has passed during the mediation proceedings.

"No minutes are taken nor are any formal records kept of what occurs in the meetings between the mediators and the respective parties to the controversy. Ordinarily the only thing which becomes a matter of formal record is the final articles of settlement agreed to and signed by the parties in dispute.

"Unless requested or authorized to do so by the parties to the controversy, the mediators do not make public the terms of settlement agreed upon through mediation.¹

"It is true that these proceedings are carried on by Government officials under Government authority and at Government expense, and it might be argued that these facts render the controversies public matters. On the other hand, it may be held that since differences between certain classes of employers and employees engaged in interstate traffic may, if unadjusted, cause serious public inconvenience and serious public loss, the Government merely furnishes the machinery for bringing about an amicable settlement if the two parties to a controversy can not themselves come to terms; but that, nevertheless, these disagreements remain primarily the concern of the employers and employees involved. The mediators, however, are primarily concerned only with the policy that will render most effective the operations of the law, and it is believed that leaving to the parties in dispute to determine the degree of publicity to be given to the terms of settlement is much the best policy."

In the event that efforts to secure an agreement through mediation prove unsuccessful, it was provided in section 2 of the law that the mediators shall attempt to have the controversy submitted to a board of arbitration for settlement.

Sections 3 to 7, inclusive, of the act specified the form of arbitration agreement that should be entered into by the parties to the controversy. The method of selecting the arbitrators was set forth, and a restricted right of appeal to the courts from the award of the arbitrators was granted.

The law provided that each party to the controversy select one arbitrator. Together, these two arbitrators select the third arbitrator, if they are able to agree within five days after their first meeting. In the event the third arbitrator is not named in this way within the five days, the law provided that he shall be named by the presiding judge of the Commerce Court and the Commissioner of Labor acting together.

THE NEWLANDS LAW.

The next step in legislation relative to mediation and arbitration was the so-called Newlands law, approved July 15, 1913. It created the offices of Commissioner of Mediation and Conciliation and Assistant Commissioner of Mediation and Conciliation, and further provided that the President shall also "designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate, who, to-

¹ In this respect the treatment of mediation proceedings differs widely from that of arbitration proceedings. The latter are usually carried on in open hearings, and all the papers, including the award and a certified stenographic copy of the testimony, are filed in the clerk's office of the United States circuit court and become matters of public record.

gether with the Commissioner of Mediation and Conciliation, shall constitute a board to be known as the United States Board of Mediation and Conciliation." In August, 1916, the board was increased to three members by the designation by the President of the Assistant Commissioner of Mediation and Conciliation as a member.

The law in general reenacted the provisions of the Erdman law relative to mediation. It also provided for three-member boards of arbitration as authorized by the Erdman Act, but, in addition, in order to meet the criticism of three-member boards placing too much power in the hands of the neutral arbitrator, it provided further for six-member boards of arbitration, composed of two representatives from each side to a controversy and two neutral members representing the public.

The immediate cause for the passage of the present law grew out of the demands of the conductors and trainmen, which had been presented, in a concerted movement, some months previously to 42 eastern railroads in what is known as eastern associated territory. The direct negotiations between the parties resulted in a refusal by the railroads to grant the demands of the men on the ground that the rates of wages then prevailing were adequate and that the employees were working under favorable conditions. A strike vote had been taken, resulting in some 97 per cent of the employees voting to withdraw from the service of the railroads unless their demands were complied with. The situation was an aggravated one and reached an acute stage early in July, 1913. The public mind was excited, and the bill which had been pending in Congress for some months was, upon the advice of the President, promptly enacted into law to meet the emergency.

CONTROVERSIES ADJUSTED.

In the enactment of Federal legislation emphasis was placed upon arbitration as a method of settling disputes between transportation companies and their employees. Under the operation of the various laws, however, it soon became evident that mediation proceedings were to take the leading part. There were in all 61 cases settled on request of the parties either by mediation under the Erdman law or by arbitrations in accordance with its provisions. Seven of these cases were concerted movements, involving many of the various classes of employees and involving in each instance a large number of railroads, in one case as many as 64 roads. Of these 61 cases coming under the Erdman law during the 14 years of its existence, 28 were settled through mediation, 8 were settled by mediation and arbitration, and 4 by arbitration alone. In the remaining 21 cases the services of the mediators, requested by one of the parties, were either refused by the other or direct settlements were reached between the parties after the services of the mediators were invoked without employing them or resorting to arbitration.

From the time the Newlands law was approved, on July 15, 1913, up to May 15, 1916, 56 controversies have been adjusted by the Board of Mediation and Conciliation. Of this number 45 were settled by mediation and 11 by mediation and arbitration. In 20 cases employees made application to the board for its services, the railroads applied in 13 cases, and in 15 cases the railroads and their employees made joint application. In 8 cases the board proffered its services, which were accepted.

DIGEST OF THE NEWLANDS LAW.

A digest of the so-called Newlands law of 1913, the legislation now in force relative to the conciliation and arbitration of railway wage disputes, is set forth below.

DIGEST OF MEDIATION, CONCILIATION, AND ARBITRATION ACT, 1913.

SCOPE OF LAW.

- (a) Employers: Interstate common carriers by railroad.
- (b) Employees: All engaged in train operation or train service.

ADMINISTRATION.

- (a) Commissioner and Assistant Commissioner of Mediation and Conciliation, appointed by the President.

(b) Board of Mediation and Conciliation, consisting of the commissioner and two other officials of the Government who have been appointed by the President, by and with the advice and consent of the Senate, and designated by the President for this purpose.

(c) Boards of arbitration, of three or six persons, as may be agreed, selected one-third by each party and one-third by those thus chosen, or, in default of such selection, by the Board of Mediation and Conciliation.

MATTERS COGNIZABLE.

Controversies as to wages, hours of labor, or conditions of employment which interrupt or threaten to interrupt the business of the employer to the serious detriment of the public interest.

JURISDICTION OBTAINED.

By request of either party, or board may proffer services.

PROCEDURE.

- (a) Mediation and conciliation attempted through the board, which failing,
- (b) The board seeks to procure the submission of the dispute to a board of arbitration through agreement of the parties.

AGREEMENT TO ARBITRATE.

- (a) Must be in writing, signed and acknowledged by representatives of both parties.
- (b) Must specify the questions to be arbitrated.
- (c) Must determine the period of beginning hearings and time allowed for making award (30 days, unless otherwise agreed).
- (d) Must fix date and length of term of operation of the award.
- (e) Must provide for the faithful execution of the award.
- (f) Must provide for filing awards and papers in the office of the clerk of the district court of the United States of local jurisdiction, to be final and conclusive, unless set aside for error of law apparent on the record. Provision may also be made for a reference to the same board or a subcommittee thereof of any dispute as to the meaning or application of any provision of the award.

DUTIES AND POWERS OF THE BOARD OF MEDIATION AND CONCILIATION.

- (a) To attempt mediation and conciliation on the request of either party, or voluntarily.
- (b) To seek to procure arbitration where mediation is not accepted.
- (c) To appoint the neutral arbitrator or arbitrators where the representative arbitrators fail to do so.
- (d) To take acknowledgments of agreements to arbitrate.
- (e) To notify arbitrators of their appointment and fix the rate of their compensation.

DUTIES AND POWERS OF BOARDS OF ARBITRATION.

- (a) To administer oaths and affirmations, require attendance of witnesses, production of books, papers, contracts, etc.
- (b) To make rules for the conduct of hearings.
- (c) To employ assistants for carrying on its work.
- (d) To make awards in accordance with the terms of the agreement to arbitrate.

AWARDS.

The award must be restricted to questions specifically submitted to the board, or to matters directly bearing thereon. A copy must be furnished to each party, and one copy filed with the clerk of the district court of the locality. A copy of the award, and the papers, proceedings, and testimony in the case must be furnished the Board of Mediation and Conciliation and filed in its office.

APPEALS.

Exceptions may be entered within 10 days of the filing of the award, to be decided by the district court. An appeal on questions of law may be taken from this court to the circuit court of appeals having jurisdiction, within 10 days after its rendition, the decision on this appeal to be final.

ENFORCEMENT.

Ten days after an award is filed in the office of the clerk of the court, or 10 days after the decision on the exceptions or appeals, if such are taken, the award shall go into practical operation, if sustained, and judgment shall be entered thereon accordingly. If the exceptions were sustained, the award shall be set aside in whole or in part, but the parties may agree to a judgment disposing of the matter in dispute, which shall be final.

Nothing in the act is to be construed as requiring an employee to render personal service without his consent, and no legal process may issue to compel such service.

COMPLETE TEXT OF THE LAW.

The full text of the act of July 15, 1913, is as follows:

ACTS OF 1913.

CHAPTER 6. AN ACT Providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees. (38 Stat., 103.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

A common carrier subject to the provisions of this act is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees."

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers, to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put

itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, the Board of Mediation and Conciliation may, if in its judgment such action seem desirable, proffer its services to the respective parties to the controversy.

In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the said agreement may apply to the Board of Mediation and Conciliation for an expression of opinion from such board as to the meaning or application of such agreement and the said board shall upon receipt of such request give its opinion as soon as may be practicable.

Sec. 3. That whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of six, or if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation and Conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within fifteen days after their first meeting the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation and Conciliation.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section.

Sec. 4. That the agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this act;

Third. Shall state whether the board of arbitration is to consist of three or six members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision.

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award.

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings.

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to.

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force.

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same.

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and

shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record.

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, another arbitrator shall be named in the same manner as such original member was named.

Sec. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court, and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

Sec. 6. That every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States or before a member of the Board of Mediation and Conciliation, the members of which are hereby authorized to take such acknowledgments, and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office.

When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators.

When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation and Conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act they shall, at the expiration of such period, notify the Board of Mediation and Conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the Board of Mediation and Conciliation and shall state in such written notice the question or questions to be submitted to such reconvened board. The Board of Mediation and Conciliation shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

Sec. 7. That the board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a certified copy of its awards to the respective parties to the controversy and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of

the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph eleven of section four of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the Board of Mediation and Conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the Board of Mediation and Conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June first, eighteen hundred and ninety-eight, providing for mediation and arbitration.

Sec. 8. That the award, being filed in the clerk's office of a district court of the United States as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation, and judgment be entered accordingly, when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom.

At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.

Sec. 9. That whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Sec. 10. That each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to continue available until the close of the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the necessary and proper expenses incurred in connection with any arbitration or with the carrying on of the work of mediation and conciliation, including per diem, traveling, and other necessary expenses of members or employees of boards of arbitration and rent in the District of Columbia, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the Board of Mediation and Conciliation, to be approved by the chairman of said board and audited by the proper accounting officers of the Treasury.

Sec. 11. There shall be a Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be \$7,500 per annum, who shall hold his office for a term of seven years and until a successor qualifies, and who shall be removable by the President only for misconduct in office. The President shall

also designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate, and the officials thus designated, together with the Commissioner of Mediation and Conciliation, shall constitute a board to be known as the United States Board of Mediation and Conciliation.

There shall also be an Assistant Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be \$5,000 per annum. In the absence of the Commissioner of Mediation and Conciliation, or when that office shall become vacant, the assistant commissioner shall exercise the functions and perform the duties of that office. Under the direction of the Commissioner of Mediation and Conciliation, the assistant commissioner shall assist in the work of mediation and conciliation and when acting alone in any case he shall have the right to take acknowledgments, receive agreements of arbitration, and cause the notices in writing to be served upon the arbitrators chosen by the respective parties to the controversy, as provided for in section five of this act.

The act of June first, eighteen hundred and ninety-eight, relating to the mediation and arbitration of controversies between railway companies and certain classes of their employees is hereby repealed: *Provided*, That any agreement of arbitration which, at the time of the passage of this act, shall have been executed in accordance with the provisions of said act of June first, eighteen hundred and ninety-eight, shall be governed by the provisions of said act of June first, eighteen hundred and ninety-eight, and the proceedings thereunder shall be conducted in accordance with the provisions of said act.

Approved, July 15, 1913.

NOTE.—An Act To establish an eight-hour day for employees of carriers engaged in interstate commerce, and for other purposes, commonly known as the Adamson law, will be found between pages 150 and 151.

PROPOSED LEGISLATION.

In connection with the threatened strike of transportation employees in August, 1916, relative to the establishment of an eight-hour working day on the railroads, several drafts of legislation framed to amend the existing law as to mediation and arbitration of railway wage disputes were submitted to the Senate Committee on Interstate Commerce. Hearings were held on August 31, 1916, on these tentative bills by the committee and they will be undoubtedly the subject of further discussion and debate. They are as follows:

TENTATIVE COMMITTEE PRINT NO. 2.

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[PUBLIC—No. 6.]

[S. 2517.]

[The part printed in roman is existing mediation law; the part indicated in linetype and italic shows proposed amendments thereto.]

AN ACT Providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use

by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or on which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

A common carrier subject to the provisions of this act is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees."

SEC. 2. That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, ~~either party~~ *both parties* to such controversy ~~may apply to~~ *shall notify* the Board of Mediation and Conciliation created by this act and ~~either party may apply to said board and~~ invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

If the Board of Mediation and Conciliation is unable to induce the parties to submit their controversy to arbitration, it shall be referred to a board of investigation, and it shall be unlawful for the employer or employers to declare or cause a lockout or for the employees to declare or cause a strike on account of the controversy prior to and during mediation and conciliation or during the investigation of said controversy and the report thereon, as hereinafter provided.

In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, *the Board of Mediation and Conciliation may, if in its judgment such action seems desirable, shall proffer its services to the respective parties to the controversy.*

In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the said agreement may apply to the Board of Mediation and Conciliation for an expression of opinion from such board as to the meaning or application of such agreement, and the said board shall, upon receipt of such request, give its opinion as soon as may be practicable.

SEC. 3. That whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of six, or, if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation and Conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within fifteen days after their first meeting the

said two arbitrators, or as many of them as have not been named, shall be named by the board of Mediation and Conciliation.

When it is deemed necessary the membership of any board of arbitration may be increased to nine or twelve, as may be agreed upon by the parties to the controversy, which board shall be chosen in the manner and ratio provided above.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section.

SEC. 4. That the agreement to arbitrate—

First. Shall be in writing.

Second. Shall stipulate that the arbitration is had under the provisions of this act;

Third. Shall state whether the board of arbitration is to consist of three or six or more members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision;

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award;

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings;

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to;

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force.

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same.

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, another arbitrator shall be named in the same manner as such original member was named.

SEC. 5. That for the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. That every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States, or before a member of the Board of Mediation and Conciliation, the members of which are hereby authorized to take such acknowledgments, and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office.

When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the

controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators.

When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation and Conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act they shall, at the expiration of such period, notify the Board of Mediation and Conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the Board of Mediation and Conciliation, and shall state in such written notice the question or questions to be submitted to such reconvened board. The Board of Mediation and Conciliation shall thereupon promptly communicate with the members of the board of arbitration or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

SEC. 7. That the board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings, or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The board of arbitration shall furnish a certified copy of its awards to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph eleven of section four of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the Board of Mediation and Conciliation, to be filed in its office.

The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the Board of Mediation and Conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June first, eighteen hundred and ninety-eight, providing for mediation and arbitration.

SEC. 8. That the award, being filed in the clerk's office of a district court of the United States as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly, at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation, and judgment be entered accordingly, when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom.

At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, ~~and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.~~

Sec. 9. Whenever a controversy shall arise between an employer or employers and employees subject to this act which can not be settled through mediation and conciliation in the manner provided in section two, and the board of mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of three members, of which each of the parties to the controversy shall recommend one, and these two, together with the third member, who shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendations shall deal with each item of the dispute and shall state what, in the board's opinion, ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force and the date from which it should commence. The report shall be made to the Board of Mediation and Conciliation, who shall cause the same to be published.

All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June thirtieth, nineteen hundred and seventeen, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the Board of Mediation and Conciliation.

Sec. 11. That whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Sec. 10. That each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to continue available until the close of the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the necessary and proper expenses incurred in connection with any arbitration or with the carrying on the work of mediation and con-

ciliation, including per diem, traveling, and other necessary expenses of members or employees of boards of arbitration and rent in the District of Columbia, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the Board of Mediation and Conciliation, to be approved by the chairman of said board and audited by the proper accounting officers of the Treasury.

Sec. 12. Any railroad company declaring or causing a lockout, or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

SEC. 13. There shall be a Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be \$7,500 per annum, who shall hold his office for a term of seven years and until a successor qualifies, and who shall be removable by the President only for misconduct in office. The President shall also designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate, and the officials thus designated, together with the Commissioner of Mediation and Conciliation, shall constitute a board to be known as the United States board of mediation and conciliation.

There shall also be an Assistant Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be \$5,000 per annum. In the absence of the Commissioner of Mediation and Conciliation, or when that office shall become vacant, the assistant commissioner shall exercise the functions and perform the duties of that office. Under the direction of the Commissioner of Mediation and Conciliation, the assistant commissioner shall assist in the work of mediation and conciliation, and when acting alone in any case he shall have the right to take acknowledgments, receive agreements of arbitration, and cause the notices in writing to be served upon the arbitrators chosen by the respective parties to the controversy, as provided for in section five of this act.

The act of June first, eighteen hundred and ninety-eight, relating to the mediation and arbitration of controversies between railway companies and certain classes of their employees is hereby repealed: *Provided*, That any agreement of arbitration which, at the time of the passage of this act, shall have been executed in accordance with the provisions of said act of June first, eighteen hundred and ninety-eight, shall be governed by the provisions of said act of June first, eighteen hundred and ninety-eight, and the proceedings thereunder shall be conducted in accordance with the provisions of said act.

SUGGESTED SHORT BILL AS SUBSTITUTE FOR TENTATIVE COMMITTEE PRINT NO. 2.

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

A BILL To amend an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July fifteenth, nineteen hundred and thirteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July fifteenth, nineteen hundred and thirteen, be amended by adding at the end of said act the following:

"Sec. 12. If the Board of Mediation and Conciliation is unable to induce the parties to submit their controversy to arbitration, it shall be referred to a board of investigation, and it shall be unlawful for the employer or employers to declare or cause a lockout or for the employees to declare or cause a strike

on account of the controversy prior to and during mediation and conciliation or during the investigation of said controversy and the report thereon, as herein-after provided.

"Sec. 13. When it is deemed necessary the membership of any board of arbitration may be increased to nine or twelve, as may be agreed upon by the parties to the controversy, which board shall be chosen in the manner and ratio provided above.

"Sec. 14. Whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in section two, and the Board of Mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of three members, of which each of the parties to the controversy shall recommend one, and these two, together with the third member, who shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation, the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances, and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendation shall deal with each item of the dispute and shall state what in the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force, and the date from which it should commence. The report shall be made to the Board of Mediation and Conciliation, who shall cause the same to be published.

"All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

"Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June thirtieth, nineteen hundred and seventeen, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the Board of Mediation and Conciliation.

"Sec. 15. Any railroad company declaring or causing a lockout or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

"Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

"Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

TENTATIVE COMMITTEE PRINT NO. 3.

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

A BILL To provide for Government operation in case of military necessity.

If at any time any railway engaged in interstate commerce or in the transportation of the mails shall cease to operate or be seriously hindered in its operation because of a strike of its employees, the President shall have power to direct the operation of such railway whenever in his judgment essential for

military purposes, and to that end he may employ such part of the military forces or such civil agents or draft into the service of the United States such persons as may be necessary.

Any person refusing to perform such service shall be guilty of a crime and punished by fine or imprisonment or both.

SUGGESTED SHORT BILL AS SUBSTITUTE FOR TENTATIVE COMMITTEE PRINT NOS. 2 AND 3.

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[The part printed in roman shows present law; the part in stricken-through type and italic indicates proposed amendments to existing law.]

A BILL To amend an act entitled "An Act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July fifteenth, nineteen hundred and thirteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July fifteenth, nineteen hundred and thirteen, be amended so as to read as follows:

"SECTION 1. The provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term 'transportation' shall include all instrumentalities of shipment or carriage.

"The term 'employees' as used in this act shall include all persons ~~actually engaged in any capacity in train operation or train service of any description, who are now or may hereafter be actually engaged in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States~~, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

"A common carrier subject to the provisions of this act is hereinafter referred to as an 'employer,' and the employees of one or more of such carriers are hereinafter referred to as 'employees.'"

SEC. 2. That there be added at the end of said act the following:

"*SEC. 12. Whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in section two, and the Board of Mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of three members, of*

which each of the parties to the controversy shall recommend one, and these two, together with the third member, who shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation, the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendation shall deal with each item of the dispute and shall state what in the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force and the date from which it should commence. The report shall be made to the Board of Mediation and Conciliation, who shall cause the same to be published.

"All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths of affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

"Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June thirtieth, nineteen hundred and seventeen, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the Board of Mediation and Conciliation.

"**SEC. 13.** Pending the efforts of the Board of Mediation and Conciliation to induce the employer or employers and employees to submit their controversy to arbitration, and until the investigation of such controversy by the board of investigation provided for in section twelve of this act has been completed and its report thereon published, it shall be unlawful for the employer or employers to declare or cause a lockout, or for the employees, acting in combination, to declare or cause a strike on account of such controversy.

"**SEC. 14.** Any railroad company declaring or causing a lockout, or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act, shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

"Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

"Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act, shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

"**SEC. 15.** If at any time any railway engaged in interstate commerce or in the transportation of the mails shall cease to operate or be seriously hindered in its operation because of a strike of its employees, the President of the United States shall have power to direct the operation of such railway whenever in his judgment essential for military purposes, and to that end he may employ such part of the military forces or such civil agents or draft into the service of the United States such persons as he may deem necessary.

"Any person refusing when so drafted to perform the service for which drafted shall be guilty of a crime and shall, upon conviction thereof, be punished by fine not exceeding _____, by imprisonment not exceeding _____, or by both such fine and imprisonment.

"**SEC. 16.** Any provisions of said act of July fifteenth, nineteen hundred and thirteen, which are inconsistent with the provisions of this act are hereby repealed."

[PUBLIC—No. 252—64TH CONGRESS.]

[H. R. 17700.]

An Act To establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning January first, nineteen hundred and seventeen, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the Act of February fourth, eighteen hundred and eighty-seven, entitled "An Act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants.

SEC. 2. That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday as above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months, in the discretion of the commission, and within thirty days thereafter such commission shall report its findings to the President and Congress; that each member of the commission created under the provisions of this Act shall receive such compensation as may be fixed by the President. That the sum of \$25,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the United States Treasury not otherwise appropriated, for the necessary and proper expenses incurred in connection with the work of such commission, including salaries, per diem, traveling expenses of members and employees, and rent, furniture, office fixtures and supplies, books, salaries, and other necessary expenses, the same to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

SEC. 3. That pending the report of the commission herein provided for and for a period of thirty days thereafter the compensation of railway employees subject to this Act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

SEC. 4. That any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

Approved, September 3, 1916.

Approved, September 5, 1916.

VII. GREAT BRITAIN.

ADJUSTMENT OF RAILWAY DISPUTES IN GREAT BRITAIN.

The settlement of disputes as to wages and hours of labor of all classes of railway employees in Great Britain has been provided for since the year 1907, by a series of private agreements negotiated by the Board of Trade. After a threatened railway strike in 1907 an agreement was entered into by the railroads and their employees which arranged for the conciliation or arbitration of all controversies. This arrangement was found to be unsatisfactory in several ways, and after the great railway strike in the United Kingdom in 1911, a royal commission was appointed to investigate and suggest remedies to meet the defects which had been found by experience to exist in the agreement of 1907. As a consequence of the work of this commission, as well as of conferences between the railroads and their employees, a supplementary arrangement was entered into under the auspices of the Board of Trade by which wage disputes are now adjusted. A thorough study was made of these agreements by the United States Bureau of Labor, the results of which were published in 1912.¹ From this study the following extracts, giving a history of the agreements and an analysis of their operation have been taken.

In Great Britain, since November 6, 1907, the settlement by conciliation and arbitration of questions in dispute between railway companies and their employees relating to the rates of wages or hours of labor of any class engaged in the manipulation of traffic has been under an agreement secured through the Board of Trade and signed by representatives of the railway companies and of the leading railway men's trade-unions. This agreement was the outcome of a series of protracted conferences following a threatened general railway strike in 1907. The agreement was signed initially on behalf of 11 of the principal railway companies, but its terms were afterwards accepted by 35 others. The 46 companies which entered into this agreement, together with one other company which had a scheme of conciliation of its own, employed over 97 per cent of the railway workers in the United Kingdom.

Under the plan agreed upon conciliation boards were formed for each railway company, to deal with questions referred to them either by the company or its employees which could not be settled through the usual channels. The various grades or occupations of men coming under the scheme were grouped in a suitable number of sections or groups of grades, for each of which a sectional conciliation board was formed. Each sectional board consisted on the men's side of one or more representatives elected by and from among the employees of the particular section in each district, and on the company's side included an appropriate number of officers representing the company, with one or more directors, if practicable. In addition to the sectional boards there was for each railway a central conciliation board, consisting of one or more representatives chosen from each sectional board.

The plan provided that any application for a change in rates of wages or hours of labor was first to be made in the usual course through the officials of the departments concerned. A reply was to be given within two months, and if no reply were received within that time, or if the decision were not accepted, the men could require the matter to be referred to the sectional conciliation board, which was to be at once convened to consider it. If the sectional board failed to reach a settlement, the question might be referred, on the motion of either side, to the central board, and upon the failure to reach an agreement by the central board the question should go to arbitration. In case of arbitration a single arbitrator was to be appointed for the particular case by agreement between the two sides of the conciliation board, or, in default of agreement, by

¹ Bulletin of the Bureau of Labor, No. 98, January, 1912. Article entitled "Conciliation and arbitration of railway labor disputes in Great Britain," pp. 82-122.

the speaker of the House of Commons and the master of the rolls, or, in the unavoidable absence or inability of one them to act, then by the remaining one. The decision of a conciliation board was, subject to certain provisions, to be binding on the parties and not to be reopened within 12 months. The decision of an arbitrator was to be binding on all parties for a period fixed by him for the duration of his award.

The agreement might be terminated only after 12 months' notice had been given by one side or the other, but no such notice was to be given within 6 years from the date of the agreement.

The agreement of 1907 was drawn up in November, and many of the roads did not accept it until the following year. The process of setting up the machinery it provided took considerable time, and but little was done in the way of settling disputes in 1908. By 1909, however, on most of the roads the scheme was in full working order, and in that year 265 cases were handled by 30 boards. Of these 171 were settled, 67 of them by arbitrators. In 1910 comparatively few disputes arose, most of the leading roads having in the preceding year effected settlements lasting three years or more. However, 14 boards handled 97 cases, of which 72 were settled during the year.

The adoption of the agreement of 1907 happened to coincide with a period of decreased earnings in the railroad world, with a consequent reduction of expenses, including wages, and a general process of "speeding up," so that the employees might in many cases be getting actually less pay while doing more work than they had a year or two earlier. At the same time pressure was brought to bear on the railway companies to cut down, in the interests of public safety, the long hours which some of the men were working. This cut off the overtime pay at the same time, that regular wages might be cut down. Also in the interests of public safety much stricter physical examinations and especially stricter eyesight tests were instituted, so that many good workers found themselves reduced to more poorly paid positions or in some cases even laid off. Naturally, the men thus affected felt they had cause for complaint.

Apart from this, however, the scheme proved unsatisfactory. Proceedings under its terms, the men complained, were slow and expensive, and a marked tendency appeared to look upon arbitration not as a last resort to be called upon only in the most difficult and intricate cases, but as the inevitable goal of every case brought up by the employees. As the scheme had been based upon the idea of conciliation, with arbitration as a last resource, much time was consumed in reaching the final stages. Much of the delay, the men believed, was wholly unnecessary, and, rightly or wrongly, they credited the companies with using every possibility of delay for the sake of postponing decisions and continuing the conditions of which complaints were made.

The dissatisfaction and unrest among the railway workers finally culminated in a general strike during August, 1911. The board of trade at once intervened, and through its offices the following basis of settlement was agreed to by both parties:

1. The strike to be terminated forthwith and the men's leaders to use their best endeavors to induce the men to return to work at once.

2. All the men involved in the present dispute, either by strike or lockout, including casuals, who present themselves for work within a reasonable time, to be reinstated by the companies at the earliest practicable moment, and no one to be subjected to proceedings for breach of contract or otherwise penalized.

3. The conciliation boards to be convened for the purpose of settling forthwith the questions at present in dispute, so far as they are within the scope of such boards, provided notice of such questions be given not later than 14 days from the date of this agreement. If the sectional boards fail to arrive at a settlement the central board to meet at once.

Any decisions arrived at to be retrospective as from the date of this agreement.

It is agreed that for the purpose of this and the following clause, "rates of wages" includes remuneration whether by time or piece.

4. Steps to be taken forthwith to effect a settlement of the questions now in dispute between the companies and classes of their employees not included within the conciliation scheme of 1907, by means of conferences between representatives of the companies and representatives of their employees who are themselves employed by the same company, and, failing agreement, by arbitration to be arranged mutually or by the Board of Trade.

The above to be a temporary arrangement pending the report of the commission as to the best means of settling disputes.

5. Both parties to give every assistance to the special commission of inquiry, the immediate appointment of which the Government have announced.

6. Any question which may arise as to the interpretation of this agreement to be referred to the Board of Trade.

Assurances were given by both parties that they would accept the findings of the commission of inquiry, the terms of reference to which are as follows:

"To investigate the working of the railway conciliation and arbitration scheme signed on behalf of the principal railway companies and of three trade-unions of railway employees, at the Board of Trade, on November 6, 1907, and to report what changes (if any) are desirable with a view to the prompt and satisfactory settlement of differences."

On behalf of the Government an assurance was given to the railway companies that they would propose to Parliament at the next session legislation providing that an increase in the cost of labor due to the improvement of conditions for the staff would be a valid justification for a reasonable general increase of charges within the legal maxima if challenged under the act of 1894.

During the hearings before the royal commissions neither the railroad workers nor the officials of the companies presented arguments against the principle of conciliation and arbitration. The men were dissatisfied primarily with the working of the arrangement. Their complaints centered around two points—first, the absence of any recognition of the unions and the refusal of many of the companies to treat with the men as equal parties in the conciliation proceedings, and, second, the alleged violation by the companies of the spirit and intent of the agreement by delaying its working unreasonably, by claiming the right to be sole interpreters of the awards when given, and by varying conditions of work after awards had been given, so that those who would otherwise have profited by these awards gained no advantage from them. The men stated that they had very serious grievances in the matters of long hours, low wages, and oppressive conditions of work, and that the agreement of 1907 had been so perverted from its true purpose that it was merely an ingenious device for preventing any remedial action.

The representatives of the railway companies who testified before the commission denied the charges of delay and bad faith in the working of the scheme of 1907, and on their side complained strongly of the recent strike as a breach of the agreement. They also claimed that they had signed the agreement on the understanding that the question of recognition was not to be raised during its existence, and for the men to bring forward that demand was a violation of their bargain which showed the futility of entering into negotiations with the unions. For the most part the companies were fairly well satisfied with the scheme of 1907, though they suggested various changes which would make it work more satisfactorily.

REPORT OF THE ROYAL COMMISSION.

The royal commission, after reviewing the evidence, suggested certain amendments to the scheme of 1907 designed to secure promptness of settlement, uniformity of procedure, and finality of decision.

It was suggested that the central boards be abolished, and that the sectional boards, with some alterations and additions, should perform the conciliation work not settled by direct negotiations between the parties concerned.

All matters of difference dealing with rates of wages, hours of labor, or conditions of service other than matters of management or discipline, if not settled by conference between deputations of the men and the company, should be referred to the conciliation boards.

Either side of a board, by 14 days' notice, might ask for a special meeting, submitting the matter to be discussed. A neutral chairman was provided for, to be selected by the conciliation boards from a panel to be prepared by the Board of Trade, the same chairman to act for all the boards on a system during the entire period of office of those boards. The fees and expenses of the chairman were to be paid by the Board of Trade. Any differences arising as to matters to be placed on the program should be decided by the chairman, as well as any question of interpretation not settled by the board.

The scheme proposed by the commission, as can be readily seen, contemplated the final settlement of disputes by conciliation boards, if possible without a chairman, but if conciliation failed, then by bringing in a chairman. The report of the commission, however, was received adversely by the men, and, as the result of further conferences between the employees and the railroad held under the direction of the Board of Trade, modifications were made, involving important concessions to the men. It was agreed that—

the employers must receive a deputation, if the men wish to send one, within 14 days of the receipt of a petition. Petitions and answers must be made in writing, thus avoiding some possibilities of misunderstanding. Clause 2, providing that if the employees wish to apply for any changes a petition must be presented, signed by 25 per cent of those affected, was altered to provide that special meetings of the conciliation boards might be held at once, at which the necessary percentage should be decided upon; if the two sides were unable to agree, the 25 per cent should stand. Clauses 5 and 6 were amended to provide that, in the case of a company wishing to alter adversely wages, hours, or conditions of service, it must notify the workers concerned, and the matter must be brought up and passed upon at the next meeting of the conciliation board, the change not becoming effective until the board had approved it or the chairman given his decision in its favor. Variations in trip rates, if unsatisfactory to the men, might be referred to the next meeting of the conciliation board, and its decision should be retroactive. Alterations in existing settlements might be made at the meeting of the conciliation boards to be held in May, 1912, but should not take effect till July, 1912. A number of other amendments were made, all in the direction of securing a smoother working of the scheme. In addition, the railway representatives present bound their own roads to pay extra and casual men for the time actually worked at rates not lower than the minimum rates paid regular employees for the same work, and undertook to get other companies to adopt the same arrangement. The plan as amended was signed December 11, 1911.

SCHEME FOR DEALING WITH QUESTIONS AFFECTING WAGES, HOURS, OR CONDITIONS OF SERVICE OF RAILWAY EMPLOYEES ENGAGED IN MANIPULATION OF TRAFFIC.

Following is given the text of the proposed new scheme of conciliation and arbitration as suggested in the report of the royal commission of 1911. The scheme as here given is as recommended by the commission:

STEPS PRELIMINARY TO THE BRINGING OF BUSINESS BEFORE CONCILIATION BOARDS.

1. Unless otherwise mutually arranged the procedure laid down in paragraphs 2 to 8 shall be adopted.
2. If the employees forming a grade, or combination of grades having a common interest, wish to bring to the notice of the company a matter affecting their rates of wages, hours of labor, or conditions of service, or (at this stage) any questions affecting the contractual relations between the company and its employees, a petition shall be presented signed by at least 25 per cent of those concerned. The petition shall name a suitable number of employees of the company whom the petitioners desire to form a deputation. The company shall receive the deputation and shall give a reply to the petitioners within 28 days of its reception.

3. In the case of a matter which affects one or more individuals, as distinguished from a grade, or concerns one depot only, the application may be made, either orally or in writing, by those affected to the immediate superior of the men, and the company may designate a local superintending officer to hear the applicants, the reply of the company to the application to be made within 28 days of the conference with the applicants.

4. In the event of the company's reply in either case not being acceptable, or of no reply being received within the stipulated period, it shall be open to the deputation to require any question relating to rates of wages, hours of labor, or conditions of service, other than matters of management or discipline, to be referred to the appropriate conciliation board by written application to the secretary of the employees' side of that board.

5. In the event of the company proposing to reduce the rates of wages or to increase the hours of labor or otherwise alter the conditions of service of a class of employees, notice of the proposals shall be given in writing to the secretaries of the conciliation board or boards which include the grades affected. Such notice shall specify a period of not less than 28 days within which objection, if any, to the proposals must be made.

6. In the event of 25 per cent of the employees concerned presenting within the specified period a petition stating their unwillingness to accept the company's proposals, a deputation of employees shall be received by the company to discuss the matters at issue, and the deputation shall notify their acceptance or otherwise of the company's original proposals, or such modification as may have been suggested meantime by the company, within 28 days of the reception of the deputation. If the company's original or modified proposals be not accepted by the deputation it shall be open to the company to require the matter to be referred to the appropriate conciliation board.

7. For the purpose of the time limits set out in the preceding rules the months of August and September shall not be counted.

8. Petitions and deputations from the employees and proposals by the company shall, when practicable, be made at such dates as, failing agreements between the parties direct, will admit of the subjects of difference being placed on the agenda of the next ordinary meetings of the conciliation boards.

ESTABLISHMENT AND CONSTITUTION OF CONCILIATION BOARDS.

9. There shall be established on each railway a suitable number of conciliation boards to deal with questions referred to them relating to the rates of wages, hours of labor, or conditions of service, other than matters of management or discipline of all wage-earning employees engaged in the manipulation of traffic and in the permanent service of the company.

Employees' representatives.

10. For this purpose the various grades of the employees of the company who have a common interest and are covered by this scheme shall be grouped in a suitable number of sections, and the area served by the company shall be divided, if necessary, for the purposes of election into a number of suitable districts.

11. The employees belonging to each section shall elect from among themselves one or more representatives for each district, such representatives to form the employees' side of a conciliation board to deal with matters coming within the scope of this scheme and affecting employees included in the section.

12. The grouping of grades into sections, the division of the company's system into areas, and the number of representatives of employees shall, in the first instance, follow the existing arrangements for sectional boards under the railway conciliation and arbitration scheme of 1907.

13. The first election of employees' representatives shall be held as soon as possible, and existing conciliation boards under the scheme of 1907 shall cease to exist from the dates of the declaration by the Board of Trade of the results of the elections of employees' representatives to the new boards to be established under this scheme.

14. All elections of representatives of the employees shall be held under the supervision of the Board of Trade, and the following rules shall apply:

(a) Candidates must be employed in the section and district for which they desire to stand.

(b) Nomination papers proposing candidates for the various boards shall be sent to the Board of Trade not later than a specified day.

(c) Each nomination paper shall be signed by not less than 20 adult employees belonging to the candidate's section and district.

(d) The Board of Trade, after satisfying themselves that the nomination papers are in order, shall prepare voting papers and arrange for them to be circulated among the adult employees on a given pay day.

(e) The Board of Trade shall receive and count the voting papers.

(f) For the purpose of these rules "adult" means a person of not less than 20 years of age.

Company's representatives.

15. The company shall furnish to the Board of Trade, not later than the date on which the men's voting papers are to be counted, a list for each conciliation board of the persons in the permanent employ of the company from among whom the company will select its representatives on the conciliation board. Such list must specify at least two persons who will have permanent seats on the company's side of the board. The remaining seats on the company's side may be filled by any of the persons named in the company's panel of representatives for the board in question, provided always that at no time shall the total number of representatives present on the company's side exceed the total membership of the employees' side of the board.

Publication of names of members.

16. The Board of Trade shall publish for each board, with as little delay as possible, the names of the members elected to represent the employees and the names of the persons forming the company's panel of representatives, specifying those of the latter who are to have permanent seats.

Term of office.

17. The term of office of the first boards established under this scheme shall expire on November 6, 1914. Should the scheme be continued each subsequent board shall have a term of three years from the date of publication by the Board of Trade of the names of members of such board.

Casual vacancies.

18. Casual vacancies on the employees' side of a conciliation board through death, resignation, or loss of qualification shall be filled by cooptation by the remaining members of that side, the coopted member to be a permanent employee of the company in the section and district represented by his predecessor. Similar vacancies on the company's side shall be filled by the company.

Modification of sections, districts, and number of representatives.

19. Any class of employees falling within the scope of this scheme, but not included at the outset in any conciliation board, may make application to the company, by means of a petition signed by at least 25 per cent of their number, to be included in an existing board or to have a new board established. The company shall thereupon arrange to receive a deputation of the petitioners with a view to the decision of the matter, which, in the event of no agreement being arrived at, shall be referred to the Board of Trade.

20. Any class of employees wishing to be transferred from one board to another existing board, or to a new board, may make application to the company by petition signed by at least 25 per cent of their number, and the petition shall be dealt with in the manner indicated in the preceding paragraph.

21. All differences with regard to the definition or modification of sections, districts, or number of representatives of employees which can not be settled by agreement shall be determined by the Board of Trade.

OFFICERS OF BOARDS.

Chairman.

22. There shall be for each conciliation board a chairman, who shall not be a director of any railway company in the United Kingdom or in the service of any such company. The chairman of a conciliation board shall be selected from a panel to be constituted by the Board of Trade.

23. As soon as the conciliation boards on a company's system have been established, and from time to time when necessary, the employees' side of each board shall select two of their number to be invested with plenary powers, who shall attend a special combined meeting with an equal or less number of representatives of the company for the purpose of selecting, from the panel mentioned in paragraph 22, the name of a chairman to be suggested to the Board of Trade for appointment. In the event of failure to agree, the Board of Trade shall nominate the chairman.

24. On each occasion that the services of a chairman are required at a meeting of a conciliation board, as provided in paragraph 41 of this scheme, he shall be appointed under the conciliation act, 1896, and the same chairman shall act for all the conciliation boards established on a company's system during the entire period of office of those boards whenever practicable.

Leading members.

25. Each side of a conciliation board shall select its own leading member from among the members of the side. The leading members of the two sides shall, in the absence of the chairman of the board, preside alternately at the meetings unless otherwise mutually arranged.

26. In case of emergency, and in the event of the secretary of a side not being available, the leading member of that side shall perform the duties of secretary.

Secretaries.

27. Each side of a conciliation board shall have a secretary, who may take part in discussions and act as advocate, if desired, but shall have no vote unless he is a member of the board.

28. The company's secretary of each conciliation board shall be appointed by the company from any source it pleases.

29. The employees' secretary shall be chosen by a majority of the employees' side of the conciliation board, who may select him from any source they please, and shall determine the length and conditions of his office, subject to the provisions of this scheme.

PROCEDURE.

Ordinary meetings.

30. Every conciliation board shall hold two ordinary meetings a year at intervals of six months.

31. The date of an ordinary meeting shall be fixed by the secretaries of the board or, failing agreement, by the chairman.

32. At least 14 days' notice of the meeting shall be given by each secretary to the members of his own side.

33. The agenda shall be agreed upon and signed by the secretaries of the two sides of the board, and shall be issued 14 days before the meeting.

Special meetings.

34. Either side of a conciliation board may, by letter addressed to the secretary of the other side, ask for a special meeting to be held within 14 days, the request for a meeting to be accompanied by a statement of the matters to be placed on the agenda.

35. Should a difference arise as to the date of the special meeting, or as to the necessity of holding it, the difference shall be referred by the two secretaries to the chairman within the 14 days mentioned in the preceding paragraph. The chairman shall then fix the date of the meeting, if any is to be held.

36. No meeting shall be held in August or September, except by mutual consent.

Agenda.

37. Any difference arising between the two secretaries as to the matters to be placed on the agenda shall be referred to the chairman for his decision.

38. No question not on the agenda shall be brought up at any meeting except with the consent of both sides.

Method of dealing with applications.

39. No proposal for an alteration of rates of wages, hours of labor, or conditions of service shall be entertained by a conciliation board until the proposal has been dealt with in the manner set out in paragraphs 1-8 and the company and the employees concerned have failed to come to agreement by direct negotiation.

40. In the event of such failure to agree on a matter competent to be dealt with under this scheme, the matter may be placed on the agenda for the next ordinary meeting of the appropriate conciliation board by the side representing the party which made the proposal, and it shall be considered at such meeting unless previously withdrawn or placed on the agenda for a special meeting.

41. In the event of the two sides failing to agree at the first meeting at which a matter is considered it shall be open to either side to adjourn the meeting for 14 days. If no agreement is reached at the adjourned meeting, or if neither side asks for such adjourned meeting, the chairman of the board shall be called in to preside over a reassembled board and to give a decision on the matter if the parties can not be reconciled.

42. At meetings presided over by the chairman either side may, if it desires, have the services of a special advocate, who is neither member nor secretary of the board, but counsel shall not be engaged.

Records of proceedings.

43. A record of every meeting of the board shall be agreed upon and entered in duplicate minute books, one to be kept by each secretary and signed by both. Each secretary shall circulate a copy of the record among those represented by his side of the board in such manner as may be determined by the side.

DECISIONS OF BOARDS.

Voting by sides.

44. Each side of a conciliation board shall vote separately and, in the absence of the chairman, all decisions shall be arrived at by agreement between the two sides.

Function of chairman.

45. At meetings at which the chairman is present he shall endeavor to bring the two sides into accord, and, failing this, shall, either at the meeting or within a reasonable time thereafter, give a decision on any matter still at issue.

Decisions to be final.

46. All settlements arrived at, whether by agreement of the two sides or by the decision of the chairman, shall be final and binding, for their periods of operation, on both the company and the employees, the ratification of neither of these parties being required.

DURATION OF SETTLEMENTS.

Existing settlements.

47. All settlements at present in operation, whether arrived at by agreement by conciliation boards under the scheme of 1907 or by arbitration under that scheme, shall remain in force until July 1, 1912, and thereafter until they are varied, superseded, or nullified by decisions of conciliation boards or chairmen under the present scheme.

48. Notwithstanding the terms of any settlement by agreement or by arbitration under the scheme of 1907, it shall be competent under the present scheme to reopen after July 1, 1912, any question dealt with in those settlements.

Future settlements under the present scheme.

49. Settlements arrived at by agreement between the two sides of a conciliation board shall have effect for at least 12 months.

50. Settlements by decision of the chairman of a board shall have effect for at least two years.

51. In either case settlements shall be held to continue in operation beyond the minimum period above specified until they are varied, superseded, or nullified by decision of the conciliation board arrived at by agreement or by decision of the chairman.

52. Settlements, whether by agreement or by decision of the chairman, may be varied at any time (before or after the expiration of the minimum periods above mentioned) by mutual consent of the two sides of the board.

DURATION OF SCHEME.

53. The present scheme shall remain in operation until November 6, 1914, and thereafter be subject to revision or determination, as regards any given company, by 12 months' notice given by the company, or by a majority of the aggregate representatives of employees on all the conciliations boards for the company's system. The earliest date at which such notice may be given is November 6, 1913.

54. All settlements in force at the period of determination of the scheme shall continue in operation for the period for which they were made, and thereafter until varied, superseded, or nullified by agreement between the company and the employees, or by such machinery for the settlement of differences as may be hereafter established.

CODIFICATION OF CONDITIONS OF EMPLOYMENT.

55. Lists showing the existing rates of wages, hours of labor, and all other conditions of service of the various grades of employees covered by this scheme shall be prepared as soon as possible by the company, and printed in a suitable form at its expense.

56. These lists shall form the basis of the contract between the company and its employees, and copies thereof shall be exhibited by the company without delay in places where they may readily be consulted by the employees concerned, in order that every employee may know precisely what are the conditions of his service.

EXPENSES.

57. Secretaries of conciliation boards shall be allowed free traveling on the company's system when engaged in the execution of their secretarial duties.

58. All members of a conciliation board shall be allowed free traveling on the company's system for the purpose of attending meetings of a board.

59. A statement of the results of the election of employees' representatives to a conciliation board, the agenda papers, the records of proceedings, and the text of the agreements arrived at, having been prepared and signed by the two secretaries, shall be printed and posted up at the depots, stations, etc., in such a manner as to be accessible for examination by the employees of the company. Copies shall also be supplied to each member of the board. All this shall be done at the company's expense.

INTERPRETATION.

Interpretation of settlements.

60. Any differences which may arise as to the interpretation of settlements, whether arrived at by agreement between the two sides of a conciliation board or by decision of the chairman, shall in the first instance be considered by the two secretaries, and in case of difference be referred to the board, which shall be summoned within 14 days.

61. Requests by employees for interpretation by a conciliation board shall be made through the secretary of the employees' side, who shall decline them or bring them before the board in accordance with general or special directions from the employees' side of the board.

62. Applications by the company for interpretation by a conciliation board shall be made through the secretary of the company's side of the board.

63. Any questions of interpretation on which the board fail to agree shall be dealt with at an adjourned meeting at which the chairman shall be present, the decision of the chairman on points of difference to be final.

Interpretation of scheme.

64. If any question should arise as to the interpretation of this scheme, it shall be decided by the Board of Trade.

65. Requests for interpretation of the scheme shall be signed by both secretaries of the board concerned. In the event of disagreement the chairman shall confer with the secretaries and settle the form of application to the Board of Trade.

THE RAILWAY CONFERENCE AGREEMENT OF DECEMBER 11, 1911, SUPPLEMENTARY TO THE SCHEME SUGGESTED BY THE ROYAL COMMISSION FOR DEALING WITH QUESTIONS AFFECTING WAGES, HOURS, OR CONDITIONS OF SERVICE OF RAILWAY EMPLOYEES ENGAGED IN THE MANIPULATION OF TRAFFIC.

In furtherance of an agreement signed at the Board of Trade on August 19, 1911, and of the report of the royal commission appointed to investigate and report on the working of the railway conciliation and arbitration scheme of 1907, it was agreed by the undersigned, on behalf of the railway companies in Great Britain, who have adopted the conciliation scheme of 1907, and of the joint executives of the trade unions of railway employees, and of the Government and the Board of Trade, that the report and scheme of the royal commission be accepted and adopted with the following alterations and additions:

A.—It was agreed that the form of procedure as laid down in clauses 2 to 8 be adopted, subject to the following modifications:

Clause 2. The last sentence to read as under: "The company shall receive the deputation within 14 days from the receipt of the petition and shall give a reply in writing to the petitioners within 28 days of the reception of the deputation."

With regard to the signing of the petition by at least 25 per cent of those concerned, it was agreed that each company shall settle with its employees the question of percentage.

For this purpose a special meeting of each conciliation board shall be convened.

Failing agreement between the two sides of the board the percentage of 25 laid down in the scheme to apply.

Clause 3. The words "either orally or," in lines 2 and 3, to be deleted.

The following words to be inserted after the word "applicants" in the fourth line: "Within 14 days of the receipt of the application."

The words "in writing" to be inserted after the word "made" in the fifth line.

Clauses 5 and 6 to be deleted and the following clauses to take their place:

Clause 5. In the event of the company proposing to reduce the rates of wages, or to increase the hours of labor, or otherwise alter adversely the conditions of service (other than matters of management or discipline) of a class of employees, the company shall circularize the men concerned, stating what their proposals are and giving notice that the proposal will be placed on the agenda for the next appropriate meeting of the conciliation board. Such circular to be issued to the staff not less than one month before the date of the meeting of the conciliation board at which the proposal will be considered.

Clause 6. If the company find it necessary to reduce the rates of wages or increase the hours of labor or adversely alter the conditions of service of any individual or individuals, as distinct from a class of employees, they shall be at liberty to do so, subject to the man or men concerned having the right (if he or they feel aggrieved) to refer the question, unless it is one relating to matters of management or discipline, to the next meeting of the conciliation board.

If at the meeting of such board it is determined that the alteration was not reasonable, the matter shall be adjusted as from the date the alteration was made.

B.—It was agreed that clause 13 should be altered to read as under:

"In those cases where the elections of employees' representatives have taken place during the year 1911 the term of office of such boards shall expire on November 6, 1914, except in those cases where it is found necessary to reor-

ganize the grades coming under the existing boards. Elections under these conditions, and also in the case of boards not yet formed or not reelected during 1911, shall be held as soon as possible."

It was agreed that the first meeting of the conciliation boards established under this scheme should not be held prior to May, 1912, except so far as the special meetings necessary to decide the percentage referred to in minute A (clause 2) are concerned. At the first meetings held in May, 1912, it shall be competent to raise for discussion, after the usual procedure laid down in clauses 2, 3, and 4 of the scheme has been carried out, any matter included in settlements at present in operation, subject to the proviso that no alteration in such settlements shall operate before July 1, 1912, as laid down in clause 47 of the scheme. Clause 48 to be deleted.

C.—Clause 14. It was agreed that the following note should be added to paragraph (C) in this clause:

"The board of trade have, in their discretion in the case of small companies, modified the number of adult employees required to sign the nomination papers. This discretion to be continued."

D.—Clause 15. It was agreed that the words "in the permanent employ of the company," in line 3, should be read as imposing no restriction on directors sitting upon the boards.

E.—Clause 18. It was agreed that cooptation should be employed in the case of vacancies caused by an insufficient number of candidates being properly nominated for election.

F.—Clauses 25 and 29. It was agreed that in the event of the employees' side of a conciliation board being unable to agree upon the selection of its leading member or secretary, the question shall be referred to the Board of Trade, who will either decide the matter or take a ballot of the whole of the men employed in the grades represented by the board.

G.—Clause 43. It was agreed that the record of meetings entered in the duplicate minute books shall be signed by the leading members of both sides as well as by the secretaries.

H.—It was agreed that clause 48 should be deleted.

I.—Upon the representatives of the men's side raising the question of the alteration of trip rates by the railway companies, it was explained that the companies must retain the right to vary trip rates according to varying circumstances, but it was stated that in case of the men not being satisfied as to the reasonableness of any such alteration of trip rates in a downward direction, the matter could be referred in the ordinary course to the next meeting of the conciliation board, it being understood that if it was determined that such a reduction was not reasonable, the matter should be adjusted from the date of the alteration.

JOINT STAFF.

J.—It was agreed that joint staff, where there is no separate conciliation board, shall be allocated to one or other of the owning companies for election purposes, and that so far as alteration in their rates of wages, hours of duty, and conditions of service are concerned, they shall be dealt with through those conciliation boards as though they formed part of the staff of the company to which they were allocated, it being understood that in those cases where the joint staff are under the supervision of a joint officer all applications shall, in the ordinary course, be submitted to such joint officer.

In those cases where the joint staff are not under the control of a joint officer, it is understood that they should participate in any improved conditions which may be granted as the result of a petition dealing with the whole of the grade to which they belong throughout the company's line to which they are allocated.

In addition to the above alterations, it was agreed, on behalf of the companies whose representatives were present at the conference, that extra and casual men employed in the manipulation of goods traffic shall be paid for the time actually worked at hourly rates on a basis not lower than the minimum rate of wages and hours of duty of the permanent men working in similar positions.

The representatives of the companies further undertook to use their good offices to get other companies to adopt the same arrangement.

[Signed on behalf of the railway companies, the joint executives of the trade-unions of railway employees, and of the Government and the Board of Trade.]

AGREEMENTS IN REGARD TO A SCHEME FOR CONCILIATION AND ARBITRATION IN QUESTIONS RELATING TO RATES OF WAGES AND HOURS OF LABOR OF CERTAIN CLASSES OF RAILWAY EMPLOYEES, SIGNED AT THE BOARD OF TRADE ON WEDNESDAY, NOVEMBER 6, 1907.

I.—AGREEMENT SIGNED BY REPRESENTATIVES OF CERTAIN RAILWAY COMPANIES.

The undersigned duly authorized representatives of the railway companies named below declare that they are prepared on their behalf to adopt a system of conciliation and arbitration for the settlement of questions relating to the rates of wages and hours of labor of various classes of their employees, on the general lines of the scheme appended to this agreement.

They will also use their good offices to induce the other railway companies to adhere to this agreement. Such adherence may be notified at any time within the next three months.

[Signed by railway officials and countersigned by officials of the Board of Trade.]

II.—LIST OF RAILWAY COMPANIES ON WHOSE BEHALF THE ABOVE AGREEMENT WAS ACCEPTED.

Caledonian Railway Co.
Great Central Railway Co.
Great Eastern Railway Co.
Great Northern Railway Co.
Great Western Railway Co.
Lancashire & Yorkshire Railway Co.
London & North Western Railway Co.
London & South Western Railway Co.
London, Brighton & South Coast Railway Co.
Midland Railway Co.
South Eastern & Chatham Railway Co.'s managing committee.

III.—AGREEMENT SIGNED BY REPRESENTATIVES OF THE AMALGAMATED SOCIETY OF RAILWAY SERVANTS.

The undersigned duly authorized representatives of the Amalgamated Society of Railway Servants accept, on behalf of its members, the terms of the agreement with regard to conciliation and arbitration signed this day at the Board of Trade by the representatives of the railway companies.

[Signed by trade-union officials and countersigned by officials of the Board of Trade.]

IV.—OUTLINE OF SCHEME FOR CONCILIATION AND ARBITRATION.

GENERAL PRINCIPLES.

(a) Boards to be formed for each railway company which adheres to the scheme to deal with questions referred to them, either by the company or its employees, relating to the rates of wages and hours of labor of any class of employees to which the scheme applies, which can not be mutually settled through the usual channels.

(b) The various grades of the employees of the company who are covered by the scheme to be grouped for this purpose in a suitable number of sections, and the area served by the company to be divided, if necessary, for purposes of election, into a number of suitable districts.

(c) The employees belonging to each section so grouped to choose from among themselves one or more representatives for each district, these representatives to form the employees' side of a sectional board to meet representatives of the company to deal with rates of wages and hours of labor exclusively affecting grades of employees within that section.

(d) The first election of representatives to be conducted in a manner set out in the rules of procedure. Subsequent elections to be regulated by the boards themselves.

(e) Where a sectional board fails to arrive at a settlement, the question to be referred on the motion of either side to the central conciliation board, con-

sisting of representatives of the company and one or more representatives chosen from the employees' side of each sectional board.

(f) In the event of the conciliation boards being unable to arrive at an agreement, or the board of directors or the men failing to carry out the recommendations, the subject of difference to be referred to arbitration. The reference shall be to a single arbitrator appointed by agreement between the two sides of the board, or in default of agreement to be appointed by the speaker of the House of Commons and the master of the rolls, or in the unavoidable absence or inability of one of them to act, then by the remaining one. The decision of the arbitrator shall be binding on all parties.

DURATION OF SCHEME.

The present scheme to be in force until 12 months after notice has been given by one side to the other to terminate it. No such notice to be given within six years of the present date.

INTERPRETATION.

If any question should arise as to the interpretation of this scheme, it shall be decided by the Board of Trade or, at the request of either party, by the master of the rolls.

OUTLINE OF SUGGESTED CONSTITUTION AND PROCEDURE OF CONCILIATION BOARDS.

N. B.—The following outline is intended as a general "model," to be amended in detail to suit the circumstances of particular companies:

CONSTITUTION OF BOARDS OF CONCILIATION.

Boards to be constituted in the first place for the more important sections (the list to be subject to modification to suit particular railways):

The following are suggested merely as examples—

Railway A.

- (1) Locomotive drivers, firemen, and cleaners.
- (2) Signalmen, pointsmen, etc.
- (3) Permanent-way men, plate layers, etc.
- (4) Traffic-department men other than signalmen.

Railway B.

- (1) Locomotive drivers, firemen, and cleaners.
- (2) Signalmen and pointsmen.
- (3) Goods guards and shunters.
- (4) Passenger-department guards, ticket examiners, shunters, and porters.
- (5) Telegraph and permanent way.
- (6) Goods checkers, porters, carmen, vanmen, stablemen, and laborers.

NOTE.—Variations may be made in the above classification, care being taken to provide, so far as possible, for the inclusion of other grades of wage-earning employees engaged in the manipulation of traffic on one or other of the boards.

If the employees belonging to any section not included at the outset should desire hereafter to participate in the scheme, they may make application to the central board, which, if it thinks desirable, may either admit them to an existing sectional board or arrange for the constitution of a new board.

The electoral district to be based, so far as practicable, on districts already in existence for the purpose of the railway company (e. g., district superintendents' or district goods managers' districts), which may, if necessary, be grouped for the purpose.

NOTE.—It seems desirable that the districts should be as few as possible (preferably not more than four, and in no case exceeding six), in order to admit of two operative representatives instead of only one being elected for each district on each board. This will give opportunity for variety of representation, (e. g., for a fireman as well as an engine driver to be elected on board 1, without unduly increasing the number of members of the boards).

The term of office of a conciliation board to be three years. Casual vacancies through death, resignation, or loss of qualification to be filled by coöperation by the remaining members on the same side of the board.

ELECTION OF CONCILIATION BOARDS.

The following rules to apply to the first election. Subsequent elections to be regulated by the conciliation boards themselves:

(1) Nomination papers proposing candidates for the various boards, signed by not less than 20 adult employees belonging to the same section and district, to be sent to the Board of Trade on or before a date to be arranged.

(2) The board, after satisfying themselves that the nominations are in order, to prepare voting papers and arrange for them to be circulated to the adult employees on a given pay day.

(3) The Board of Trade to receive and count the voting papers of the men, and also to receive from the company a list of its proposed representatives on the various boards.¹ The result to be published with as little delay as possible.

NOTE.—For the purposes of these rules "adult" means a person aged 20 and upwards.

PROCEDURE.

Each side of a conciliation board to select its own chairman.

Every board to meet for business as required at the request of either side. A fortnight's notice to be given of all meetings. No meeting shall be called in August or September.

Meetings to be convened by the secretary, who shall be appointed by agreement between the two sides of the board. Failing agreement, each side to appoint a secretary from among the employees of the company. The agenda to be circulated with the notices, and no question not on the agenda be brought up except with the consent of both sides.

Each side of a board to vote separately, and all decisions to be arrived at by agreement between the two sides.

MODE OF DEALING WITH APPLICATIONS.

Before a conciliation board can entertain any proposal for a change in the rates of wages or hours of labor of any class of employees, an application for such change must previously have been made in the usual course through the officers of the department concerned.

After any such application has been made by the employees they shall be informed, as soon as practicable, and in any case within two months, of the company's decision with regard to the request or of their desire to refer it to a conciliation board. In the event of the decision not being accepted or of no reply being received within the specified time, the men may require the matter to be referred to a conciliation board, which shall be at once convened to consider the matter so referred.

NOTE.—For the purpose of this rule, the months of August and September shall not count.

Any proposal agreed to by a conciliation board involving increased expenditure shall be placed before the directors for their acceptance at their next ordinary board meeting, or, if that meeting takes place within a week of the proposal, then at the next meeting but one, and failing this shall be referred forthwith to arbitration.

Any proposal agreed to by a conciliation board involving a reduction of rates of wages shall be communicated to the men, and if rejected by them within a month shall be referred forthwith to arbitration.

Subject to the above provisos the decision of a conciliation board to be final and binding on the parties, and no decision to be reopened within 12 months.

Where a sectional board fails to arrive at a settlement, the question to be referred on the motion of either side to the central conciliation board.

Should the central conciliation board fail to agree, the question to go forthwith to arbitration at the request of either party.

Proceedings before the arbitrator shall be regulated by him, including the period during which the award shall be binding.

¹ It is desirable that at least one of the company's representatives on each board should be a director.

EXPENSES.

In the absence of an agreement to the contrary, the expenses of arbitration proceedings and conciliation boards to be divided equally between the company and its employees.

Note.—It is agreed that in order to keep procedure simple and inexpensive, counsel should not appear in these cases.

V.—NOTICE OF ADHESION TO THE SCHEME SIGNED BY REPRESENTATIVES OF THE ASSOCIATED SOCIETY OF LOCOMOTIVE ENGINEERS AND FIREMEN.

On behalf of the members of the Associated Society of Locomotive Engineers and Firemen, we accept the arrangements entered into to-day at the Board of Trade.

[Signed by the secretary and two members of the society.]

VI.—NOTICE OF ADHESION TO THE SCHEME SIGNED BY REPRESENTATIVE OF THE GENERAL RAILWAY WORKERS' UNION.

On behalf of the members of the General Railway Workers' Union, I accept the arrangements agreed to to-day at the Board of Trade.

[Signed by the general secretary of the union.]

CONCILIATION AND ARBITRATION SCHEME FOR THE SETTLEMENT OF QUESTIONS RELATING TO RATES OF WAGES AND HOURS OF LABOR BETWEEN THE CALEDONIAN RAILWAY CO. AND THEIR EMPLOYEES.

FORMATION OF CONCILIATION BOARDS.

1. Conciliation boards, consisting of representatives of the company and their employees, shall be formed to deal with questions referred to them, either by the company or by their employees, relating to the rates of wages and hours of labor of the grades of employees after mentioned which can not be mutually settled through the usual channels.

2. The conciliation boards shall be the following; that is to say—

(1) A sectional conciliation board for each section, in which the various grades of employees shall be grouped as after mentioned.

(2) A central conciliation board.

3. For the purpose of the election of representatives of the employees to the sectional boards, the various grades of employees shall be grouped in seven sections, as specified in the first schedule hereto, and the territory served by the company shall be divided into four districts, as specified in that schedule.

4. The employees belonging to each such section employed in each district shall choose from among themselves two representatives for each district, and the eight representatives so chosen shall form the employees' side of each sectional board.

5. The employees' side of the central board shall consist of 14 representatives, of whom 2 shall be chosen by and from the employees' side of each sectional board.

6. The company's representatives on each sectional board and the central board shall not exceed in number the employees' representatives.

7. The term of office of a conciliation board shall be three years.

ELECTION OF EMPLOYEES' REPRESENTATIVES ON CONCILIATION BOARDS.

8. Employees under 20 years of age will not be eligible as representatives on any board, nor entitled to nominate candidates or to vote in any election.

9. The first election of representatives to form the employees' side of the sectional boards shall be conducted in a manner set out in the second schedule hereto. Subsequent elections shall be regulated by the central board.

FUNCTIONS OF CONCILIATION BOARDS.

10. The sectional boards shall deal with rates of wages and hours of labor exclusively affecting the grades of employees in the sections for which the respective sectional boards have been formed.

11. Before a sectional board can entertain any proposal for a change in the rates of wages or hours of labor of the grades of employees in the section, an application for such change must previously have been made in the usual course through the officers of the department concerned.

12. After any such application has been made by the employees they shall be informed as soon as practicable, and, in any case, within two months, of the company's decision with regard to the request or of the company's desire to refer the proposal to the appropriate sectional board. In the event of the company's decision not being accepted, or of no reply being received within the prescribed time, the employees may require the matter to be referred to the appropriate sectional board.

13. Where a sectional board fails to arrive at a settlement, the question shall be referred, on the motion of either side, to the central board.

14. Where the central board fails to arrive at a settlement, the question shall be referred, on the motion of either side, to arbitration.

15. Any proposal agreed to by a sectional board, or by the central board, involving an increase of rates of wages, shall be placed before the directors of the company for their acceptance at their next ordinary board meeting, or, if that meeting takes place within a week of the proposal, then at the next meeting but one, and, failing its acceptance by the directors, shall be referred as follows, that is to say—

(1) A proposal agreed to by a sectional board and not accepted by the directors shall be referred to the central board; and

(2) A proposal agreed to by the central board and not accepted by the directors shall be referred to arbitration.

16. Any proposal agreed to by a sectional board or a central board involving a reduction of rates of wages shall be communicated to the employees, and if rejected by them within a month, shall be referred as follows, that is to say—

(1) A proposal agreed to by a sectional board and rejected by the employees shall be referred to the central board; and

(2) A proposal agreed to by the central board and rejected by the employees shall be referred to arbitration.

17. Except as otherwise herein provided, the decision of a sectional board or of the central board shall be final and binding on the parties, and no decision shall be reopened within 12 months.

PROCEDURE OF CONCILIATION BOARDS.

18. Each side of a conciliation board shall select its own chairman.

19. Secretaries for the sectional boards and the central boards shall be appointed by the central board. A single secretary may be appointed by agreement between the two sides of the central board, and the single secretary so appointed shall act for both sides of all the sectional boards and of the central board. Failing agreement each side of the central board shall appoint a separate secretary from among the salaried or wages employees of the company, and the separate secretaries so appointed shall act for the respective sides of such boards.

20. Each side of a conciliation board shall vote separately, and the vote of each side shall be determined by a majority of the side, or, in the event of equality, by the casting vote of the chairman of the side, and all decisions shall be arrived at by agreement between the two sides.

21. Casual vacancies in a conciliation board through death, resignation, or loss of qualification shall be filled by cooptation by the remaining members on the same side of the board.

MEETINGS OF CONCILIATION BOARDS.

22. Every board shall meet for business, as required, at the request of either side, but no board shall be required to meet for new business oftener than once in two months, except that where, in the case of the central board, this would involve an interval of more than one month after a sectional board fails to arrive at a settlement, the central board shall, at the request of either side, meet to deal with such business. A fortnight's notice shall be given of all meetings. No meeting shall be held in August or September, but where this would involve an interval of more than three months, a meeting shall, at the request of either side, be held in July.

23. All meetings of a conciliation board shall be convened by the single secretary or by the separate secretary of either side, as the case may be. The agenda shall be circulated with the notices of meeting, and no question not on the agenda shall be brought up except with the consent of both sides.

APPOINTMENT AND POWERS OF ARBITRATORS.

24. Any reference to arbitration shall be to a single arbitrator, to be appointed by agreement between the two sides of the central board, or, in default of agreement, to be appointed only on the application of either side of the central board by the speaker of the House of Commons and the lord president of the court of session, or, in the unavoidable absence or inability of one of them to act, then by the remaining one.

25. Proceedings before the arbitrator shall be regulated by him, including the period during which the award shall be binding.

26. The decision of the arbitrator shall be binding on all parties.

AS TO COUNSEL AND LAW AGENTS.

27. In order to keep procedure simple and inexpensive, counsel or law agents shall not be entitled to appear or plead in any matter or question before any conciliation board, and counsel shall not be entitled to appear or plead in any arbitration proceedings.

EXPENSES OF CONCILIATION BOARDS AND ARBITRATION PROCEEDINGS.

28. In the absence of any agreement to the contrary, the expenses of conciliation boards and arbitration proceedings shall be borne and paid equally by the company and the employees.

INCLUSION OF OTHER GRADES OF EMPLOYEES.

29. If the employees belonging to any grade not included in any of the sections should desire hereafter to participate in this scheme, they may make application to the central board, which, if it thinks desirable, may either admit them to an existing sectional board, or form a new sectional board for such grade of employees.

DURATION OF SCHEME.

30. The present scheme shall be in force until 12 months after notice has been given by one side to the other to terminate it. No such notice shall be given within six years of the sealing of this scheme.

INTERPRETATION.

31. If any question should arise as to the interpretation of this scheme it shall be decided by the board of trade, or at the request of either party, by the lord president of the court of session.

METHOD OF ADJUSTING DISPUTES IN OTHER PUBLIC UTILITIES AND PRIVATE INDUSTRIES IN GREAT BRITAIN.

In other public utilities than the railway service, as well as in the entire range of industry, the development of the machinery for the settlement of trade disputes by boards of conciliation and arbitration and by joint committee has assumed great importance in Great Britain. After three years of discussion in Parliament and outside the act for the prevention and settlement of trade disputes, commonly known as the conciliation act of 1896, was passed. Its most important feature was the authorization of the Board of Trade as a standing agency of mediation, ready to act at the request of either party, or to offer its services when the public welfare seemed to demand such action. It will be noticed that the Board of Trade was given no powers of compulsion whatever, but the mere fact that

a body of its weight and reputation had been told off for such a service tended to dignify the idea of conciliation, while the ease with which its services could be secured was a strong inducement to call upon it in cases of disagreement.¹

CONCILIATION ACT OF 1896.

A summary statement or digest of the principal provisions of the conciliation act of 1896 are as follows:²

DIGEST OF CONCILIATION ACT, 1896.

SCOPE OF LAW.

- (a) Employers: Any class;
- (b) Employees: Any class.

ADMINISTRATION.

- (a) The Board of Trade;
 - (b) Conciliators or boards of conciliation, either appointed for the time or resort may be had to existing registered conciliation boards established for the various trades or industries;
 - (c) Arbitrators appointed on the application of both parties.
- Acting under his general powers, the president of the Board of Trade has established (1908) a standing court of arbitration, made up from three panels—one of "persons of eminence and partiality," from which chairmen are taken; one from the "employer class," and one from "the class of workmen and trade-unionists." Technical assessors may also be appointed to assist, but without the right to vote.

A later addition (1911), brought about in the same general way, is the industrial council, to be made up of equal numbers of representatives of employers and of workmen, who serve for yearly terms, and whose chairman is known as chief industrial commissioner.

The acceptance of the services of these bodies is entirely voluntary, and they are intended to supplement and not to supersede prior methods.

MATTERS COGNIZABLE.

Differences existing or apprehended between employers and workmen or between different classes of workmen.

JURISDICTION OBTAINED.

- (a) For conciliation, by the request of either party; or the Board of Trade may act on its own motion;
- (b) For arbitration, on the application of both parties.

PROCEDURE.

- (a) Matters may be referred by the parties in interest to a conciliation board;
- (b) The Board of Trade may offer its services, or act on the request of a party by appointing a conciliator, or of both parties by appointing an arbitrator or board of arbitration.

Agreement to arbitrate: No provision.

DUTIES AND POWERS OF CONCILIATORS.

To inquire into the causes and circumstances of the difference, and otherwise to endeavor to bring about a settlement, and to report their proceedings to the Board of Trade.

¹ Conciliation and Arbitration in Great Britain. Bulletin No. 98 (January, 1912). Bureau of Labor, p. 82.

² For the full text of this act, see pp. 174 et seq.

No provision is made as to registered boards of conciliation, other than that, subject to agreements to the contrary, proceedings before such boards shall be in accordance with the regulations of the boards themselves. They must furnish to the Board of Trade such returns, reports, and proceedings, and other documents as the latter "may reasonably require."

DUTIES AND POWERS OF THE BOARD OF TRADE.

(a) To make inquiry as to causes and circumstances, or take such other steps as it may deem expedient to secure a conference with a view to the settlement of the dispute;

(b) To appoint conciliators on the request of one party, or arbitrators on application from both.

Where a settlement is reached, whether by conciliation or arbitration, a memorandum of its terms is to be drawn up, signed by the parties, and a copy filed with and preserved by the Board of Trade.

Awards: No provision.

Appeals: No provision.

Enforcement: No provision.

PERMANENT COURT OF ARBITRATION.

Since the passage of this act, two important additions have been made to the machinery which the Board of Trade was authorized to call into existence when occasion demanded:

The first was the provision in 1908 of the permanent court of arbitration. In providing for this the president of the Board of Trade expressly disclaimed any intention of curtailing or replacing any of the functions already performed under the conciliation act; the proposed court was to be an addition, not a substitution, and its creation was ascribed to the fact that the scale of the operations carried on by the Board of Trade "deserves, and indeed requires, the creation of some more formal and permanent machinery." Another reason given was the desire to test public sentiment in regard to arbitration; it seems to have been felt that the general attitude toward conciliation was already pretty well known.

The panels from which the members of the court were to be drawn were prepared at once, and the system was put in operation in 1909.¹

INDUSTRIAL COUNCIL.

The second addition to the machinery provided by the Board of Trade was made during 1911 largely as an outcome of the industrial conflicts during the summer of that year. This new body was designated the "industrial council," and was composed of prominent representatives of employers and of workmen in equal numbers who were to serve one year. Regular meetings were to be held three times a year—in January, June, and November—and special meetings might be called at any time by the chairman, who was given the title of industrial commissioner. Sir George Askwith, comptroller general of the labor department of the Board of Trade, was selected for this office. At the first meeting it was decided that the proceedings in general should be considered private and that the members should not act as advocates but in a judicial capacity. It was agreed that the following classes of cases might be acted upon by the council:

(1) Cases which may be referred to the council, as an impartial body, for their opinion upon the facts only of the case, to be conveyed to the parties privately.

¹ Ibid., p. 175.

(2) Cases which may be referred to the council in order that the facts may be impartially ascertained and recommendations made to each side, the acceptance of such recommendations not to be obligatory nor made public.

(3) Cases similar to those last mentioned, but both sides agreeing beforehand that the recommendations of the council be made public.

(4) Cases which may be referred to the council upon which a decision may be given, the parties agreeing to accept the decision as a final settlement.

(5) Cases which may be referred to the council, under special circumstances, by the Board of Trade or the Government.

(6) Other matters, apart from particular disputes, which the Board of Trade or the Government may decide to refer to the council, with a view to obtaining a considered and representative opinion upon specific points.

It will be seen that while the courts of arbitration were merely another agency through which the Board of Trade must act, the industrial council is intended to serve to a large extent as a substitute for the board. The latter reserves the right to offer its services in case the disputants fail to call on the council or the council fails to adjust a serious difficulty; but it is confidently expected that such cases will be few and far between.¹

CONCILIATION BOARDS.

Conciliation boards, or joint meetings of representatives of employers and employees, are now the generally accepted method in the principal industries of Great Britain for adjusting disputes which otherwise might lead to strikes or a cessation of work. In addition to industrial boards, a number of district conciliation boards have also been created, which are not restricted to any particular occupation but which offer mediation of a general character. In a number of industries, such as the Brooklands agreement in cotton spinning, they provide special and elaborate machinery for adjusting all differences between employers and the working forces. A few of the boards do not provide any means for avoiding a deadlock through equal representation of both sides and equal voting strength. In by far the greater number of cases, however, an arrangement exists for securing a final decision on disputed points by referring the matter to an independent person or agency. The Board of Trade classifies, according to the provisions for the selection of a final authority to settle disputes, the different boards, as follows:

(1) Reference to the Board of Trade for appointment of final authority to settle disputes;

(2) Reference to permanent neutral chairman, president, arbitrator, umpire, or referee;

(3) Reference to arbitrator, umpire, or referee appointed for the particular case;

(4) Reference to three arbitrators or referees, with decision by the majority.

The prevailing method of procedure is to refer a deadlock to an arbitrator, umpire, or referee who is appointed for each particular case.

THE OPERATION OF BRITISH LAWS.

The following tables, which have been taken from official sources, show the extent to which the principles of conciliation and arbitration were operative in settling industrial disputes in Great Britain during the period 1904-1913.² The official statistics for 1913 are the latest available.

¹ Ibid., p. 127.

² Great Britain. Labor Department. Report on strikes and lockouts, 1912-13.

STRIKES AND LOCKOUTS SETTLED BY CONCILIATION OR ARBITRATION IN 1913.

Summary table of strikes and lockouts settled in 1913¹ by conciliation or arbitration, classified according to the agencies by which the disputes were settled.

Agency of settlement and trade affected thereby.	Settled by conciliation or mediation.		Settled by arbitration.		Total.	
	Number of strikes and lockouts.	Number of persons directly involved.	Number of strikes and lockouts.	Number of persons directly involved.	Number of strikes and lockouts.	Number of persons directly involved.
Under the conciliation act, 1896: ²						
Building.....	5	2,457	6	11,466	11	13,923
Quarrying.....	2	1,615			2	1,615
Metal, engineering, and shipbuilding..	4	40,339	2	397	6	40,736
Textile.....	2	1,110	1	350	3	1,460
Transport.....	2	1,200			2	1,200
Brick, pottery, chemical, etc.....	2	3,200	1	108	3	3,308
Total.....	17	49,921	10	12,321	27	62,242
By boards dealing with particular trades:						
Building.....	12	1,914			12	1,914
Coal mining.....	4	3,060			4	3,060
Iron and steel.....	2	944			2	944
Shipbuilding.....	1	418			1	418
Boot and shoe.....	2	54			2	54
Transport.....	3	2,060			3	2,060
Woodworking.....	1	230			1	230
Total.....	25	8,710			25	8,710
By district and general boards and trades councils:						
Building.....	2	80			2	80
Iron and steel.....	2	168			2	168
Engineering.....	2	212			2	212
Textile.....	5	1,393			5	1,393
Dock and waterside labor.....	1	17			1	17
Other trades.....	2	860			2	860
Total.....	14	2,739			14	2,739
By other voluntary conciliation machinery, and by individuals:						
Building.....	10	1,203	1	35	11	1,238
Mining and quarrying.....	1	57	5	1,698	6	1,755
Metal, engineering, and shipbuilding..	15	3,625	4	656	19	4,281
Cotton manufacture.....	5	2,527			5	2,527
Other textiles.....	4	2,687			4	2,687
Clothing.....	7	2,270	1	85	8	2,355
Carters.....	13	13,705			13	13,705
Other transport.....	5	1,915	2	422	7	2,337
Other trades.....	11	4,280			11	4,280
Total.....	71	32,269	13	2,891	84	35,160
Grand total.....	127	93,639	23	15,212	150	108,851

¹ The table includes strikes and lockouts which were settled in 1913 by conciliation or arbitration, irrespective of dates of cessation and resumption of work. Disputes which began before 1913 and were settled in 1913 are included, but not those which were in progress in 1913 but were unsettled at the end of the year.

² In addition, 44 disputes in which no stoppage of work occurred were settled under the act. In certain other cases, also, action was taken under the act which was directly helpful in bringing about a settlement.

**STRIKES AND LOCKOUTS SETTLED BY CONCILIATION OR ARBITRATION,
1904-1913.**

Summary table showing for each of the years 1904-1913 the strikes and lockouts which were settled during those years by conciliation or arbitration, classified according to the agencies by which the disputes were settled.

Agency of settlement.	Settled by conciliation or mediation.		Settled by arbitration.		Total.	
	Number of strikes and lockouts.	Number of persons directly involved.	Number of strikes and lockouts.	Number of persons directly involved.	Number of strikes and lockouts.	Number of persons directly involved.
Under the conciliation act, 1896:¹						
1904.....			4	14,749	4	14,749
1905.....	2	499			2	499
1906.....			6	2,142	6	2,142
1907.....	3	1,771	6	493	9	2,264
1908.....	9	24,446	7	3,264	16	27,710
1909.....	6	810	17	14,834	23	15,644
1910.....	6	146,926	9	3,806	15	150,732
1911.....	23	285,749	9	4,421	32	290,170
1912.....	9	175,348	13	17,293	22	192,641
1913.....	17	49,921	10	12,321	27	62,242
By boards dealing with particular trades:						
1904.....	6	2,434	1	106	7	2,540
1905.....	4	331	2	740	6	1,071
1906.....	9	2,828	3	1,378	12	4,206
1907.....	3	104	4	1,211	7	1,315
1908.....	7	10,588	3	523	10	11,111
1909.....	15	57,897	6	3,031	21	60,928
1910.....	12	5,088	2	815	14	5,903
1911.....	9	9,880	4	1,429	13	11,309
1912.....	12	2,058	1	64	13	2,122
1913.....	25	8,710			25	8,710
By district and general boards, trades councils, and federations of trade unions:						
1904.....			1	11	1	11
1905.....			1	150	1	150
1906.....	1	55	1	70	2	125
1907.....	3	1,256	1	260	4	1,516
1908.....	1	21			1	21
1909.....	4	111			4	111
1910.....	2	39			2	39
1911.....	4	12,743			4	12,743
1912.....	12	1,910			12	1,910
1913.....	14	2,739			14	2,739
By other voluntary conciliation machinery, and by individuals:						
1904.....	5	1,333	11	2,485	16	3,818
1905.....	10	4,584	6	674	16	5,258
1906.....	18	3,434	8	870	26	4,304
1907.....	21	7,830	4	371	25	8,201
1908.....	18	116,249	11	3,185	29	119,434
1909.....	10	952	5	1,638	15	2,590
1910.....	14	11,615	14	4,529	28	16,144
1911.....	34	39,961	9	1,585	43	41,546
1912.....	43	44,290	9	1,551	52	45,841
1913.....	71	32,269	13	2,891	84	35,160
Totals:						
1904.....	11	3,767	17	17,351	28	21,118
1905.....	16	5,414	9	1,564	25	6,978
1906.....	28	6,317	18	4,460	46	10,777
1907.....	30	10,961	15	2,335	45	13,296
1908.....	35	151,304	21	6,972	56	158,276
1909.....	35	59,770	28	19,503	63	79,273
1910.....	34	163,668	25	9,150	59	172,818
1911.....	70	348,333	22	7,435	92	355,768
1912.....	76	223,006	23	18,908	99	242,514
1913.....	127	93,639	23	15,212	150	108,851

¹ In certain other cases action was taken under the act which was directly helpful in bringing about a settlement. In addition, disputes in which no stoppage of work occurred were settled under the act as follows: 1904, 7 cases; 1905, 12 cases; 1906, 10 cases; 1907, 22 cases; 1908, 32 cases; 1909, 30 cases; 1910, 35 cases; 1911, 33 cases; 1912, 37 cases; 1913, 44 cases.

**WORK OF VOLUNTARY PERMANENT CONCILIATION AND ARBITRATION
BOARDS AND STANDING JOINT COMMITTEES IN 1904-1913.**

Summary table showing, so far as known to the department, the work of voluntary permanent conciliation and arbitration boards and standing joint committees in each of the years 1904-1913, classified by trades.

NUMBER OF BOARDS THAT SETTLED CASES.¹

Trade.	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913
Boards dealing with particular trades:										
Building.....	9	10	20	20	18	14	22	28	28	54
Mining and quarrying.....	13	13	18	16	18	18	13	15	18	18
Iron and steel.....	5	5	7	6	6	4	8	6	7	6
Engineering and shipbuilding.....	10	9	11	10	12	9	8	7	7	7
Other metal.....	3	1	5	3	5	1	3	3	5	4
Textile.....	1	2	1	1	1	1	1	1	1	1
Boot, shoe, and clog.....	8	9	8	14	14	14	16	14	15	20
Railway service					1	30	14	14	38	27
Other transport.....	3	3	2	3	3	3	3	10	10	11
Other trades and employees of local authorities.....	3	5	2	.....	3	5	5	4	5	8
District and general boards.....	2	3	4	1	2	2	3	3	3	4
Total.....	57	60	78	73	83	101	96	105	136	159

NUMBER OF CASES¹ CONSIDERED BY ALL BOARDS.

Boards dealing with particular trades:										
Building.....	29	24	35	58	72	59	71	117	124	222
Mining and quarrying.....	1,089	1,451	1,296	1,231	1,304	1,318	1,387	1,171	876	1,154
Iron and steel.....	37	30	30	22	20	23	25	49	59	53
Engineering and shipbuilding.....	91	102	75	74	103	25	26	29	42	42
Other metal.....	27	1	5	52	43	60	153	*2,539	*1,366	*1,699
Textile.....	8	17	25	1	11	2	1	8	.....	.....
Boot, shoe, and clog.....	84	67	62	72	104	141	132	117	123	110
Railway service					138	265	97	366	342	282
Other transport.....	24	17	13	32	35	77	61	98	110	360
Other trades and employees of local authorities.....	24	12	3	1	4	22	15	11	11	125
District and general boards.....	5	5	7	2	8	5	3	38	30	23
Total.....	1,418	1,726	1,561	1,545	1,842	1,997	1,971	4,543	3,083	4,070

NUMBER OF CASES¹ SETTLED BY BOARDS.²

Boards dealing with particular trades:										
Building.....	13	22	33	47	44	33	46	72	64	144
Mining and quarrying.....	434	657	531	454	529	564	657	530	446	586
Iron and steel.....	30	25	21	16	17	16	23	33	43	41
Engineering and shipbuilding.....	69	53	46	42	53	14	18	28	38	34
Other metal.....	24	1	5	39	39	31	113	*2,421	*1,075	*1,150
Textile.....	4	14	12	.....	6	1	1	5	.....	.....
Boot, shoe, and clog.....	36	38	30	43	76	98	88	69	67	71
Railway service					2	171	72	299	297	230
Other transport.....	22	15	12	26	32	71	57	80	94	257
Other trades and employees of local authorities.....	13	10	2	.....	3	21	9	6	9	53
District and general boards.....	5	4	5	1	6	5	3	5	5	8
Total.....	650	839	697	668	807	1,025	1,067	3,548	2,138	2,574

¹ The cases include both disputes causing stoppage of work and those in which no stoppage occurred.

² Includes 2,488 cases in 1911, 1,287 in 1912, and 1,596 in 1913, considered by the South Wales Tinsplate Board.

³ Includes cases settled by arbitration under reference from the boards.

⁴ Includes 2,371 cases in 1911, 996 in 1912, and 1,100 in 1913, settled by the South Wales Tinsplate Board.

TEXT OF CONCILIATION ACT, 1896.

[7th August, 1896.]

AN ACT To make better provision for the prevention and settlement of trade disputes.

1.—(1) Any board established either before or after the passing of this act, which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any association or body authorized by an agreement in writing made between employers and workmen to deal with such disputes (in this act referred to as a conciliation board), may apply to the Board of Trade for registration under this act.

(2) The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation board, with such other information as the Board of Trade may reasonably require.

(3) The Board of Trade shall keep a register of conciliation boards and enter therein with respect to each registered board its name and principal office and such other particulars as the Board of Trade may think expedient, and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Board of Trade a written application to that effect.

(4) Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the Board of Trade may reasonably require.

(5) The Board of Trade may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register.

(6) Subject to any agreement to the contrary, proceedings for conciliation before a registered conciliation board shall be conducted in accordance with the regulations of the board in that behalf.

2.—(1) Where a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen, the Board of Trade may, if they think fit, exercise all or any of the following powers, namely:

(a) Inquire into the causes and circumstances of the difference;

(b) Take such steps as to the board may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by the Board of Trade or by some other person or body, with a view to the amicable settlement of the difference;

(c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation;

(d) On the application of both parties to the difference, appoint an arbitrator.

(2) If any person is so appointed to act as conciliator he shall inquire into the causes and circumstances of the difference by communication with the parties and otherwise shall endeavor to bring about a settlement of the difference, and shall report his proceedings to the Board of Trade.

(3) If a settlement of the difference is effected either by conciliation or by arbitration a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Board of Trade.

3. The arbitration act, 1889, shall not apply to the settlement by arbitration of any difference or dispute to which this act applies, but any such arbitration proceedings shall be conducted in accordance with such of the provisions of the said act, or such of the regulations of any conciliation board, or under such other rules or regulations as may be mutually agreed upon by the parties to the difference or dispute.

4. If it appears to the Board of Trade that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, they may appoint any person or persons to inquire into the conditions of the district or trade and to confer with the employers and employed, and, if the Board of Trade think fit, with any local authority or body, as to the expediency of establishing a conciliation board for the district or trade.

5. The Board of Trade shall from time to time present to Parliament a report of their proceedings under this act.

6. The expenses incurred by the Board of Trade in the execution of this act shall be defrayed out of moneys provided by Parliament.

7. The Masters and Workmen Arbitration Act, 1824, and the Councils of Conciliation Act, 1867, and the Arbitration (Masters and Workmen) Act, 1872, are hereby repealed.

8. This act may be cited as the Conciliation Act, 1896.

COURT OF ARBITRATION.

The following is the text of a memorandum communicated by the president of the Board of Trade to chambers of commerce and employers' and workmen's associations in September, 1908, with reference to the formation of a court of arbitration as an auxiliary to the conciliation act.

MEMORANDUM.

1. Under the conciliation act of 1896 the Board of Trade has power to appoint a conciliator in trade disputes and an arbitrator at the request of both parties. These slender means of intervention have been employed in cases where opportunity has offered, and the work of the department in this sphere has considerably increased of recent years. In 1905 the Board of Trade intervened in 14 disputes and settled them all; in 1906 they intervened in 20 cases and settled 16; in 1907 they intervened in 39 cases and settled 32; while during the first eight months of the present year no fewer than 47 cases of intervention have occurred, of which 35 have been already settled, while some of the remainder are still being dealt with.

2. It is not proposed to curtail or replace any of the existing functions or practices under the conciliation act, nor in any respect to depart from its voluntary and permissive character. The good offices of the department will still be available to all in industrial circles for the settlement of disputes whenever opportunity offers. Single arbitrators and conciliators will still be appointed whenever desired. Special interventions will still be undertaken in special cases, and no element of compulsion will enter into any of these proceedings. But the time has now arrived when the scale of these operations deserves, and indeed requires, the creation of some more formal and permanent machinery; and, with a view to consolidating, expanding, and popularizing the working of the conciliation act, I propose to set up a standing court of arbitration.

3. The court, which will sit whenever required, will be composed of three (or five) members, according to the wishes of the parties, with fees and expenses to members of the court and to the chairmen during sittings. The court will be nominated by the Board of Trade from three panels. The first panel—of chairmen—will comprise persons of eminence and impartiality. The second will be formed of persons who, while preserving an impartial mind in regard to the particular dispute, are nevertheless drawn from the "employer class." The third panel will be formed of persons similarly drawn from the class of workmen and trade-unionists. It is hoped that this composition will remove from the court the reproach which workmen have sometimes brought against individual conciliators and arbitrators, that, however fair they mean to be, they do not intimately understand the position of the manual laborer. It is believed that by the appointment of two arbitrators selected from the employers' panel and two from the workmen's panel in difficult cases, thus constituting a court of five instead of three persons, the decisions of the court would be rendered more authoritative, especially to the workmen, who, according to the information of the Board of Trade, are more ready to submit to the judgment of two of their representatives than of one. As the personnel of the court would be constantly varied, there would be no danger of the court itself becoming unpopular with either class in consequence of any particular decision; there would be no difficulty in choosing members quite unconnected with the case in dispute, and no inconvenient labor would be imposed upon anyone who consented to serve on the panels. Lastly, in order that the peculiar conditions of any trade may be fully explained to the court, technical assessors may be appointed by the Board of Trade, at the request of the court of the parties, to assist in the deliberations, but without any right to vote.

4. The state of public opinion upon the general question of arbitration in trade disputes may be very conveniently tested by such a voluntary arrangement. Careful inquiry through various channels open to the Board of Trade justifies the expectation that the plan would not be unwelcome in industrial circles. The court will only be called into being if, and in proportion as, it is actually wanted. No fresh legislation is necessary.

5. Steps will now be taken to form the respective panels.
September 1, 1908.

The following regulations have been drawn up by the Board of Trade in connection with the appointment of courts of arbitration:

REGULATIONS.

1. The application should state (a) the subject matter of the dispute; (b) whether the parties wish the court to consist of (1) a chairman and two arbitrators, or (2) a chairman and four arbitrators; (c) whether the parties desire the Board of Trade (i) to appoint a chairman and arbitrators, all of whose names have been jointly selected by the parties from the respective panels, or (ii) to appoint a chairman whose name has been jointly selected by the parties from the chairman's panel, and to select and appoint the arbitrators from the respective panels, or (iii) to select and appoint the chairman from the chairman's panel, and to appoint arbitrators jointly selected by the parties from the respective panels, or (iv) to select and appoint all the members of the court from the respective panels; (d) whether the parties wish the court to appoint, or apply to the Board of Trade to appoint, a technical assessor or assessors.

2. A court of arbitration shall, if either party or both parties shall have so requested, or may on their own initiative, if they consider that the assistance of a technical assessor or assessors is expedient, appoint or apply to the Board of Trade to appoint a technical assessor or assessors accordingly.

3. Technical assessors shall not be members of the court. They will be appointed solely for the purpose of giving the court information on technical matters when required by them. They will only be entitled to be present at such stages of the proceedings as the court may direct. Every assessor before taking up his duties shall pledge himself in writing to keep secret all matters with which he shall in the course of the performance of such duties become acquainted.

4. All procedure in connection with the hearing of a case shall be settled by the chairman after consultation with other members of the court, including the mode of appearance thereat.

For the convenience of the court, each application should be accompanied by a statement showing (a) whom the parties desire to represent them at the hearing and (b) the approximate number of witnesses each side desires to call.

5. The award of a majority of the members of the court shall be the award of the court. When no majority can be obtained in favor of an award, owing to the arbitrators being equally divided, then the matter shall be decided by the chairman, acting with the full powers of an umpire.

6. After an award is made it shall be signed by the chairman on behalf of the court, and he shall then cause a copy to be sent to the representatives of both parties to the dispute. The original award, together with any shorthand notes and all relevant papers, shall be forwarded to the Board of Trade.

7. Shorthand notes (and transcripts of such notes) of any part of the proceedings shall only be paid for by the Board of Trade if the chairman of the court certifies that the notes were necessary for the purpose of the court. The Board of Trade will also pay any expenses connected with the drawing of the award, and for the hire of a room for the hearing of the case when necessary. They will also pay the expenses of the members of the court.

RULES OF LONDON LABOR CONCILIATION AND ARBITRATION BOARD.

I. That a permanent body be constructed, to be called The London Conciliation Board, which shall be affiliated to the London Chamber of Commerce, and that its composition shall be as follows, viz:

(a) Twelve members representing capital or employers, to be elected by the council of the chamber.

(b) Twelve members representing labor, to be elected by the employed.

II. The duties of The London Conciliation Board shall be as follows:

(a) To promote amicable methods of settling labor disputes and the prevention of strikes and lockouts generally, and also especially in the following methods:

1. They shall, in the first instance, invite both parties to the dispute to a friendly conference with each other, offering the rooms of the chamber of commerce as a convenient place of meeting. Members of the board can be present at this conference, or otherwise, at the pleasure of the disputants.

2. In the event of the disputants not being able to arrive at a settlement between themselves, they shall be invited to lay their respective cases before the board, with a view to receiving their advice, mediation, or assistance. Or, should the disputants prefer it, the board would assist them in selecting arbitrators, to whom the questions at issue might be submitted for decision.

3. The utmost efforts of the board shall in the meantime and in all cases be exerted to prevent, if possible, the occurrence or continuance of a strike or lockout until after all attempts at conciliation shall have been exhausted.

The London Conciliation Board shall not constitute itself a body of arbitrators except at the express desire of both parties to a dispute, to be signified in writing, but shall in preference, should other methods of conciliation fail, offer to assist the disputants in the selection of arbitrators chosen either from its own body or otherwise. Any dispute coming before the board shall, in the first instance, be referred to a conciliation committee of the particular trade to which the disputants belong, should such a committee have been formed and affiliated to the chamber.

(b) To collect information as to the wages paid and other conditions of labor prevailing in other places where trades or industries similar to those of London are carried on, and especially as regards localities either in the United Kingdom or abroad where there is competition with the trade of London. Such information shall be especially placed at the disposal of any disputants who may seek the assistance of The London Conciliation Board.

III. The London Chamber of Commerce places its rooms at the disposition of The London Conciliation Board and of the trade conciliation committees for holding their meetings. Any alterations in the rules and regulations of these bodies which may be from time to time proposed shall be submitted for approval to the council of the chamber.

IV. The above regulations shall be subject to by-laws, to be specially framed for the purpose and which shall be open to amendments as required from time to time, on agreement between the council of the chamber of commerce and The London Conciliation Board.

EXTRACTS FROM THE BY-LAWS.

5. The board shall elect its own chairman and vice chairman, who shall vote with the board but shall not have a second or casting vote.

7. The chairman shall be selected from the employers of labor on the board and the vice chairman from amongst the employed.

VIII. THE TRANSVAAL.

HISTORY OF LEGISLATION.

The law of Transvaal corresponds closely in form and method to that of Canada. It is administered by a department of labor under the supervision and control of the minister. The active official with reference to the administration of the conciliation act is an "inspector of white labor," who receives and registers applications for the appointment of boards of conciliation and investigation, receives and files the reports and recommendations made by such boards, and takes the necessary measures to render them effective. Boards are appointed on request of either party to a dispute, the minister deciding whether or not the provisions of the act are ap-

plicable. The board has the powers and jurisdiction of the supreme court in the matter of procuring evidence, etc., but does not make binding orders. Failing the adjustment of the dispute by an agreement, the board reports to the minister what it has done, together with its recommendations, which are to be published in the official organ of the department, and copies to be furnished also to the parties to the dispute and to any newspaper making request therefor.

The law provides for the giving of one month's notice before any alteration in regard to wages, or other remuneration of employees, or the hours of their work, nor may employees demand changes without a month's notice. Going on strike or declaring a lockout or aiding or inciting either until after an investigation by the board and the expiration of a period of one month after report and recommendations thereby is prohibited.

The full text of the Transvaal law is as follows:

[Assented to July 7, 1909.]

AN ACT To establish a department of labor in this Colony, to aid in the prevention of strikes amongst employees or lockouts by employers and to make provision for the settlement of industrial disputes by conciliation after investigation.

PRELIMINARY.

1. This act, in so far as it contains provisions to aid in the prevention of strikes and lockouts and for the settlement of industrial disputes by conciliation after investigation, shall apply to the following undertakings, trades, or industries, namely:

- (a) The mining industry;
- (b) Any undertaking carried on by a local authority for the supply of gas, electric light, water, or power, or for tramways or sanitary services;
- (c) Any other undertaking, trade, or industry to which the governor may, by proclamation in the Gazette, apply those provisions.

In so far as it relates to other matters this act shall apply to all undertakings, trades, and industries.

2. In this act, unless inconsistent with the context—

"Application" shall mean an application for the appointment under this act of a board to investigate and report upon a dispute.

"Board" shall mean a board of conciliation and investigation appointed under Chapter III of this act.

"Department" shall mean the department of labor established under Chapter I of this act.

"Dispute" or "industrial dispute" shall mean any dispute or difference between an employer and any of his employees in relation to—

- (a) Matters affecting work done or to be done by such employees; or
- (b) Rights, privileges, or duties of employers or employees not involving such a violation thereof as would constitute a criminal offense; or
- (c) The wages, allowances, or other remuneration of employees or the price paid or to be paid to them in respect of their employment; or
- (d) The hours of employment, the qualification or status of employees, and the terms, conditions, and manner of their employment; or
- (e) The employment of any persons or class of persons, or the dismissal of or refusal to employ any particular person or class of persons; or
- (f) Claims on the part of an employer or any employee that preference should be given, or not be given, to one class of persons over another class of persons (whether as members of a trade-union or not, as British subjects or aliens, or as white or colored persons), and the circumstances under which such preference, if allowed, should or should not be given; or
- (g) Materials supplied and alleged to be bad, unfit, or unsuitable, or damage alleged to have been caused to work; or
- (h) Any custom or usage recognized, whether generally or in a particular district or on particular industrial premises; or
- (i) The interpretation of any agreement between an employer and employee or of a portion thereof.

"Employee" shall mean any white person engaged by an employer to perform, for hire or reward, manual, clerical, or supervision work in any undertaking, trade, or industry to which this act applies.

"Employer" shall mean any person or body of persons, whether corporate or unincorporate, employing ten or more white persons upon any undertaking or at any trade or industry to which this act applies, but shall not include any department of the Crown.

"Governor" shall mean the officer for the time being administering the government of this colony, acting by and with the advice of the executive council thereof.

"Imprisonment" shall mean imprisonment with or without hard labor, as the court which passes sentence may direct.

"Inspector" shall mean the inspector of white labor appointed under Chapter I of this act or any person lawfully acting in such capacity.

"Lockout" shall mean the closing by an employer of his employment premises, or a suspension by him of work, or the refusal by an employer to continue to employ any number of his employees when such closing, suspension, or refusal is for the purpose of compelling his own employees or of aiding another employer to accept specific terms of employment.

"Minister" shall mean the minister of mines or any other minister to whom the governor may from time to time assign the administration of this act.

"Regulation" shall mean a regulation made and in force under section 34 of this act.

"Strike" shall mean the cessation of work by a body of employees acting in combination, or a concerted refusal, under a common understanding, of any number of employees to continue to work for an employer in consequence of a dispute, when such cessation or refusal is for the purpose of compelling their employer, or of aiding other employees in compelling their employer, to accept specific terms of employment.

"Trade union" shall mean any lawful organization of employees formed for the purpose of regulating the relations between employers and employees.

CHAPTER I.

DEPARTMENT OF LABOR.

§. 1. There shall be a department of labor in this colony, under the supervision and control of the minister.

2. The governor shall from time to time appoint an officer, to be called "the inspector of white labor," who shall, subject to the orders and directions of the minister, carry out the powers and duties conferred and imposed on him by this act, or the regulation, or any other law, and shall exercise such other functions as the governor may from time to time lawfully assign to him.

4. The inspector shall perform the following duties, that is to say, he shall—

(a) Receive and register, and, subject to the provisions of this act, deal with every application by employees or employers for the appointment of a board to determine a dispute, and, upon receipt of the application, shall forthwith inform the minister thereof.

(b) Correspond with parties to a dispute and generally perform all acts necessary to insure the speedy sitting of a board as soon as the same has been appointed by the minister.

(c) Receive and file all reports and recommendations made by a board and, subject to the provisions of this act, do all such things as will render such reports and recommendations effective.

(d) Keep a register containing the particulars of every application and of every reference to, or report or recommendation of, a board, and of its proceedings, and of documents relating thereto, and, when required by the minister, transmit all or any of the same to him.

(e) Supply, when required, information to any party to a dispute as to this act or the regulations or proceedings thereunder, and furnish any such party or member of the board with the prescribed forms.

(f) Keep a register of all unemployed white persons and enter therein such particulars in relation to them, the class of employment required by them, and the trades or occupations previously followed by them as may be prescribed by regulation.

(g) On receipt of the prescribed fee register all private registry offices, and carry out such inspection of the books of such offices as may from time to

time be deemed necessary, and prescribe scales of fees to be charged at such offices and the conditions under which fees may be charged in respect of applications thereat.

(h) Establish branch registries or labor bureaus in such districts or localities as the minister may determine for the collection and supply to the public of information as to the conditions of labor, domestic or industrial, and the state of trade in such districts or localities.

(i) Investigate the causes of lack of employment in this colony among white persons, and matters connected therewith, and report the result of his investigation to the minister.

(j) Investigate, on the instructions of the minister, complaints by or on behalf of white employees as to their treatment by employers and the conditions of their employment, and report the result of the investigations to the minister.

(k) Make reports from time to time to the minister on labor movements and the conditions of labor, whether in this colony or elsewhere.

(l) Supervise the conditions of apprenticeship in any undertaking, trade, or industry.

(m) Generally, do all such acts and take all such proceedings as the minister may require for the effective performance of his duties under this act and the regulations.

CHAPTER II.

PREVENTION OF INDUSTRIAL DISPUTES, STRIKES, LOCKOUTS PENDING INVESTIGATION.

5. 1. After the coming into operation of this act—

(a) No alteration shall be made by an employer in relation to wages, allowances, or other remuneration of his employees or the price to be paid to them in respect of their employment, or to the hours of their work, unless one month's notice at least of the proposed alteration be given to all the employees who would be affected thereby.

(b) No demand shall be made upon an employer by any of his employees to effect, within less than one month, any such alteration.

2. If any such alteration be made and if an employer and any of his employees have at the expiry of the said period of one month made application for the appointment for a board, as hereinafter provided, the relationship between the employer and all the employees who would be affected by the alteration shall continue unaltered in respect of any of the matters described in paragraph (a) subsection (1), until any such matter has been investigated as an industrial dispute by a board under this act unless the dispute be otherwise settled, until one month shall have elapsed after the publication as hereinafter provided of the report and recommendations of the board, provided that if the minister decides as hereinafter mentioned that this act does not apply to the dispute, the alteration may, as soon as the parties to the dispute have received notice of his decision, be made.

3. If, after such investigation, the board reports to the inspector that either party to the dispute has used the provisions of this section so as to unfairly preserve existing conditions of employment, or so as to delay the alteration of such conditions, that party shall be guilty of an offense and liable on conviction to the penalties mentioned in subsection (3) or (4) of the next succeeding section, according as the party is the employer or employee.

6. 1. After the coming into operation of this act it shall be unlawful for—

(a) An employer to declare a lockout, or cause a lockout to be declared, or to aid in any manner the declaration or effecting of a lockout; or

(b) An employee to go on strike or to cause a strike; or

(c) Any person to incite, encourage, or in any other manner aid an employer in effecting, declaring, or continuing a lockout; or

(d) Any person to incite, encourage, or in any other manner aid employees in going, or continuing on strike, on account of any industrial dispute, until the dispute shall have been investigated by a board under this act and a period of one month shall have elapsed after the report and recommendations of the board have been published as hereinafter provided.

2. Nothing in this section contained shall be construed as—

(a) Prohibiting, in a manner not constituting a strike or lockout, the suspension or discontinuance of any undertaking, industry, or trade to which this act applies and the consequent suspension or discontinuance of the services of employees therein or thereat;

(b) Prohibiting a lockout or strike in respect of a dispute which has once been investigated by a board and its report and recommendations thereon published as hereinafter provided, except where the parties thereto have entered into such agreement as is described in section 25.

3. Any employer who contravenes the provisions of this section shall be liable, on conviction, to a fine of not less than £100 for each day or part of a day that the lockout continues, or, in default of payment, to imprisonment without the option of a fine.

4. Any employee who contravenes the provisions of this section shall be liable, on conviction, to a fine of not less than £10 and not exceeding £50 for each day or part of a day during which he is on strike, or, in default of payment, to imprisonment without the option of a fine.

5. Any person who contravenes paragraph (c) or (d) or subsection (1) shall be liable, on conviction, to a fine of not less than £50 and not exceeding £250, or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

CHAPTER III.

APPOINTMENT OF BOARDS OF CONCILIATION AND INVESTIGATION.

7. Whenever there exists between an employer and any of his employees any industrial dispute which the parties thereto are unable to settle amicably, application may be made, by either party, for the appointment of a board of conciliation and investigation.

8. 1. Every application for the appointment of a board shall be in writing, and, so far as circumstances will allow, in the prescribed form.

2. Every application shall be accompanied by a statement, setting forth—

(a) The names of the parties to the dispute;

(b) The nature and cause of the dispute, and the claims or demands to which objection is taken, made by either party upon the other;

(c) An estimate of the number of persons affected, or likely to be affected, by the dispute;

(d) The efforts hitherto made by the parties to settle the dispute;

(e) An estimate of the number of persons affected, or likely to be affected, by the dispute;

And shall further be accompanied by a solemn declaration that the declarant believes that if the dispute be not investigated by a board under this act a lock-out or strike (as the case may be) will result.

3. There may be stated in every application the name of any person who is willing to act as a member of the board as the nominee of the applicant party.

4. Every application and accompanying declaration—

(a) If made by an incorporated company, shall be signed by a director, manager, or secretary of the company duly authorized thereto.

(b) If made by a local authority, shall be signed by the mayor, chairman, town clerk, secretary, or other similar officer duly authorized thereto in writing.

(c) If made by an individual, shall be signed by that individual, or if made by a partnership, shall be signed by the majority of partners resident in the colony.

(d) If made by employees who are members of a trade-union, shall be signed by two officers of the trade-union authorized by a majority vote of the members of the union present at a meeting specially summoned, on at least three days' notice, to discuss the advisability of making the application.

(e) If made by employees some or all of whom are not members of a trade-union, shall be signed by two of such employees duly authorized by a majority vote taken by ballot of the employees present at a meeting specially summoned as aforesaid and on the like notice.

5. Every application and the documents which are to accompany it, as hereinafter provided, shall be sent by registered post, addressed to the inspector, or shall be personally served upon him, and the date of its receipt shall be deemed to be the date of the application.

9. 1. The applicant shall, simultaneously with the sending of the application to or service thereof upon the inspector, transmit by registered post to or personally serve on the other party to the dispute a copy of the application and of the statement and declaration accompanying it.

2. Within five days after the receipt of the same such other party shall transmit by registered post to or personally serve upon the inspector and the applicant a statement in reply.

3. The statement of reply shall be addressed—

- (a) Where the applicant is the employer, to the applicant.
- (b) Where the applicants are employees and members of a trade-union, to the president and secretary of such trade-union.
- (c) Where the applicants are employees but some or all are not members of a trade-union, then—

I. If no person has been authorized to represent such employees, the statement in reply shall be addressed to at least 10 of their number.

II. If in accordance with the last preceding section two persons were authorized to make application, the statement in reply shall be addressed to such two persons.

III. In the case of those employees who are members of a trade-union, the statement in reply shall be addressed to the president and secretary of the union as representing such employees.

4. The statement of reply shall be in every case transmitted to or served upon the applicant or applicants at the address for service set forth in the statement accompanying his or their application.

10. 1. Within 10 days after the date of the receipt of the application the minister shall decide whether or not the provisions of this act apply to the dispute and shall give notice of his decision to each of the parties. No dispute shall be the subject of reference to a board in any case in which the employees affected by the dispute are fewer than 10. The minister's decision under this subsection shall be final.

2. If the minister shall decide that the provisions of this act do apply to the dispute, a board consisting of three members shall be appointed in manner following, that it is say:

(a) Each party shall within five days after receipt of the notice of the minister's decision nominate one person as a member of the board, and the minister if satisfied that such person is willing to act as such member shall appoint him; a person nominated under subsection (3) of section 8 at the time of the application shall be deemed to have been nominated such five days;

(b) If at the expiry of the said five days, or of such further period as the minister may on request of that party or of his own motion allow, either party has made default in nominating a member, the minister shall himself forthwith appoint a fit person to be a member, who shall for all purposes be deemed to be appointed on the nomination of the party in default;

(c) The two members appointed on the nomination of the parties may, within five days after receiving notice of their appointment, nominate a third person as a member of the board, and the minister if satisfied that such person is willing to act, shall appoint him a member of the board;

(d) If at the expiry of the said five days, or of such further period as the minister may on application or of his own motion allow, the two members mentioned in paragraph (c) have made default in nominating a third person, the minister shall himself appoint the third member, who shall be deemed for all purposes to have been appointed on the nomination of the said two members;

(e) The third member shall be chairman of the board.

3. Anything to the contrary in this section notwithstanding, if any application or applications be made in relation to a dispute or disputes involving substantially the same issue, as the issues in a dispute which a board is about to or has begun to investigate, the minister may decide to refer both or all those applications (as the case may be) to one board, and may cancel the appointments of every member of a board already constituted to investigate a dispute involving those issues.

In the event of a reference under this subsection of two or more applications to one board, that board shall consist of five, seven, or nine members as the minister may determine, who shall be nominated and appointed in the same proportions and in the same manner as in subsection (2) is provided, except that the periods mentioned in that subsection shall be reckoned from the receipt by the parties of the minister's decision under this subsection; in every other respect the provisions of subsection (2) shall, as far as possible, apply. All the applicants in a dispute so referred to one board shall be regarded for the purpose of this act as one party, and all the respondents shall be likewise regarded.

11. 1. No person who has any direct pecuniary interest in the issue of a dispute to be investigated by a board shall be qualified to be appointed a member of such board, nor if appointed shall remain a member thereof.

2. No person shall be qualified to be appointed unless he is a white person.

3. A member of the board shall vacate his office—

(a) If he becomes insolvent, or assigns his estate for the benefit of his creditors, or makes an arrangement with his creditors;

(b) If he dies, or becomes of unsound mind, or is convicted of an offense for which he is sentenced to imprisonment without the option of a fine;

(c) If he is absent from two consecutive sittings or meetings of the board without leave of the minister, unless the absence be due to illness, personal injury, or other physical cause notified in every such event to the secretary of the board, before the conclusion of the later of the two sittings or meetings from which the member was absent;

(d) If he gives one week's notice in writing to the minister of his intention to resign his office and his resignation be accepted by the minister.

4. If any member of the board shall vacate his office for any cause whatever, his place shall be filled in the manner in which by the last preceding section it is prescribed that the member who has vacated office be appointed.

12. 1. There shall be paid to each member of the board (other than any member who may be in the public service) a fee of—

(a) Two guineas for every day (not exceeding three days) during which two members nominated by the parties are engaged in selecting for nomination a third member;

(b) Three guineas for every day or portion of a day on which the board is engaged in investigating or making report upon a dispute.

Provided that, if the board is so engaged on any day for less than three hours, no payment shall be made under this section to a member in respect of that day, unless the minister is satisfied that the board was on that day engaged in concluding an investigation or report thereof.

2. Every member of the board shall receive all reasonable expenses to which he may be put for traveling, and subsistence while traveling, in the course of his duties as a member, and if any question arises as to whether any such expenses are reasonable, it shall be determined by the minister, whose decision shall be final and conclusive.

13. 1. All expenditure, incurred by or on the order of the board, including—

(a) The fees and allowances mentioned in the last preceding section;

(b) Traveling and subsistence allowances to witnesses and other persons acting under the orders of the board;

(c) All other expenditures which may be incurred on the authority of the board, in accordance with regulation, shall be paid out of the general revenue of the Colony, but only upon presentation of vouchers in the prescribed form certified by the chairman of the board.

2. It shall be the duty of such chairman to transmit, from time to time, to the minister the vouchers so certified, together with a detailed statement, likewise certified, of the sittings or meetings of the board, and of the members present at such sittings or meetings.

14. The department shall, if requested by the chairman of the board, provide a secretary thereof (who shall, if possible, be an officer in the public service), and shall further provide any such clerical assistance as the minister may deem necessary for the effectual exercise of the functions of the board.

15. 1. Before exercising any of his functions every member of the board shall take before a justice of the peace, an oath of office and secrecy in the Forms A and B, respectively, of the schedule to this act.

2. The secretary, if required by the chairman, shall, in like manner, take an oath of secrecy before or at any time during the sittings of the board.

CHAPTER IV.

PROCEDURE BEFORE, AND POWERS, DUTIES, AND JURISDICTION OF, BOARDS.

16. As soon as may be after the appointments to the board are complete, the inspector shall transmit to the chairman thereof—

(a) A copy of the application and the statement and declaration accompanying the same;

(b) A copy of any statement in reply;

(c) The names of the members of the board;

(d) A copy of the notice mentioned in this section;

and, after consultation with the chairman of the board, the inspector shall further give to the parties written notice of—

I. The date, hour, and place at which the board will sit to investigate the dispute; and

II. The names of the members of the board, and shall, by such notice, summon the parties to appear at such hour and place, with the witnesses (if any) whom they desire to have examined, and place before the board the arguments and evidence in support of their several cases.

17. 1. Two members of the board, one of whom shall be the chairman, shall constitute a quorum of the board, unless it is shown, in the absence of the other member, that insufficient notice of the meeting or sitting was given to him: *Provided*, That if, under the provisions of subsection (3) of section ten, the board consists of five, seven, or nine members, the quorum of the board shall be respectively three, four, or six members.

2. Any decision, finding, report, or recommendation of the majority of the board shall be deemed to be the decision, finding, report, or recommendation of the board.

18. 1. Any party to a dispute may appear before the board—

(a) In the case of an individual employer, in person; or

(b) By any persons (not exceeding three in number) appointed by the party for the purpose, not being persons described in paragraph (c); or

(c) If the other party to the dispute consents, by an advocate or attorney of the supreme court qualified to practice therein, or by a duly admitted law agent qualified to practice in a court of resident magistrate.

2. Every party so appearing shall be bound by the acts of its representatives.

3. If any party to a dispute fails so to appear at any time, the board may, unless satisfied that the failure to appear was due to a reasonable cause, proceed as if such party were appearing.

19. The sittings of the board shall, as far as possible, be held in the vicinity of the premises in or in respect of which the dispute has occurred, unless the board otherwise determines.

20. 1. The board shall hold its sittings in public; provided that if, on application or of its own motion, it shall determine that any part of its sittings be held in private, it may order all persons (other than the persons appearing before it, the witnesses under examination, and the officers of the board) to withdraw.

2. No document produced before the board or any information obtained from such document shall be made public, save in so far as the majority of the board may authorize publication; and the board may order or cause to be sealed up such portions of books, papers, or documents produced before it as do not, in its opinion, relate to any particular issue which it is considering.

21. 1. The board shall have, for the purposes of the investigation and any report and recommendations thereof—

(a) The powers and jurisdiction of the supreme court in relation to summoning and enforcing the attendance of witnesses;

(b) The power to call for the production of books, papers, and other documents, and of any article or thing which it deems requisite for fully investigating and reporting upon the dispute;

(c) The power to examine witnesses upon oath (such oath being administered by the chairman).

2. Any person summoned to attend and give evidence before the board or to produce books, papers, or other documents, or any article or thing, who shall fail, without sufficient cause, to comply with the terms of the summons, shall be guilty of an offense and liable on conviction before a court or resident magistrate having jurisdiction, to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

3. Any person, whether summoned or not, who shall, while under examination, refuse to answer or fail to answer the best of his knowledge and belief all questions lawfully put to him by or with the concurrence of the board, and every person who shall, at any sitting of the board, wilfully insult any member thereof, or wilfully interrupt its proceedings, or shall at any time obstruct or hinder a member of the board in the discharge of his duties, or conduct himself toward such member in an intimidating manner (whether by language or conduct), shall be guilty of an offense and liable to the penalty prescribed by subsection (2), or to imprisonment, without the option of a fine, for the period therein mentioned. The board may order any such person insulting a member thereof, or interrupting its proceedings, to be removed from the sitting.

4. Any person who, after being duly sworn as a witness, wilfully and corruptly gives false evidence before the board concerning any matter material to the investigation, shall be liable on conviction to the penalties prescribed by law for perjury.

5. Nothing in this section contained shall be construed as depriving any witness of any privilege in respect of answering questions or producing documents if he would be entitled to such privilege in answering questions or producing documents before the supreme court.

6. Save as aforesaid, the board, in conducting an investigation, shall not be bound by the law of evidence in force in this Colony as to the admissibility of evidence and the competency, examination, and cross-examination of witnesses.

22. 1. The board, or any member thereof, and any other person authorized in writing by the chairman of the board, may, at any time, enter upon any premises in or in respect of which any industry or trade or occupation is being carried on, or in which there is taking or has taken place, any occurrence which concerns the investigation being held by the board.

2. Upon entering upon such premises the board, or member thereof, or person aforesaid, may inspect and view any work, material, machinery, appliance, or article therein or thereon, and interrogate any person at work in or about such premises in relation to such trade, industry, occupation, or occurrence.

3. Any person who obstructs or hinders the board, or members, or person aforesaid in the exercise of the powers by this section conferred, or refuses to answer any interrogation lawfully put to him, shall be guilty of an offense and liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

23. The board may, with the consent of the minister, call in assessors or employ persons approved by him to examine the books, papers, and other documents of either party, or to advise the board upon technical matters or other facts material to the investigation, but it shall not disclose, or permit to be disclosed, the results of examining such books, papers, or documents, except with the consent of both parties to the dispute.

24. 1. Every board appointed to investigate a dispute shall use its utmost endeavors to settle the dispute which it is appointed to investigate, and for that purpose shall, as expeditiously as may be, inquire into the causes and subject of the dispute and all matters incidental thereto and affecting the merits thereof.

2. In the course of the investigation it may make all such suggestions and do all such things as it may deem expedient and proper to induce the parties to agree to a fair and equitable settlement.

3. The board may adjourn its sittings from time to time and from place to place, prescribing such period as it deems reasonable for allowing the parties to agree upon terms of settlement. The time and place to which any sittings may be adjourned shall be notified to the persons appearing for the parties.

25. 1. Either party to the dispute may, at any time before or after the conclusion of the investigation, agree to be bound by the recommendations of the board in the same manner as parties to a submission under the arbitration ordinance 1904 are thereunder bound, and any agreement between the parties to be so bound may be made a rule of court and enforced in the same manner as an award which has been made a rule of court under section 17 of the said ordinance, and may be enforced as provided by that section.

2. The draft of every such agreement may be transmitted by either party to the inspector, who shall send a copy thereof to the other party; if such other party agrees to be bound by the recommendations of the board, then such recommendations may be made a rule of court and enforced in manner aforesaid.

3. Save as aforesaid, the report or recommendations of the board, or any proceedings had before it, shall not be enforced by any court of law.

26. 1. If a settlement of the dispute be effected between the parties while it is being investigated by the board, a memorandum of the settlement shall be drawn up by the board and signed by each of the parties.

2. Every such memorandum shall, if the parties agree to be thereby bound, be as binding and effectual as if made upon recommendations of the board under section 25.

3. A copy of such memorandum so signed, together with the report of the proceedings of the board, shall, as soon as possible, be transmitted to the minister.

27. 1. If a settlement of the dispute be not effected between the parties while it is being investigated by the board, the chairman thereof shall, as soon as may be after the conclusion of the investigation, transmit to the inspector, by registered post, a full report in writing of the investigation, setting forth—

(a) All the facts and circumstances ascertained by it and, in particular, the cause or causes of the dispute.

(b) A chronological account of the proceedings had before it.

(c) The steps, if any, taken by the board during the proceedings to effect a settlement of the dispute.

(d) The findings of the board and its recommendations for the settlement of the dispute in accordance with the merits thereof and with equity.

2. The recommendations shall be signed by such members of the board as concur therein and shall be addressed to the minister.

3. The recommendations of any member of the board who dissents from its recommendations shall likewise be signed by such member and transmitted through the inspector addressed to the minister.

4. All such recommendations shall deal with every issue of the dispute, and shall state, in plain and concise language, omitting technicalities as far as possible, the opinions of the signatories as to what ought or ought not to be done by either party.

If the signatories are of opinion that any settlement proposed ought to remain in force for a definite period, such period shall be stated.

28. 1. Upon receipt of the report and recommendations of the board the minister shall forthwith cause copies thereof to be published in the Gazette, to be sent to all the parties to the dispute, and, upon request made on behalf of any newspaper circulating in the colony, to be sent to each newspaper for publication therein.

2. The minister may further cause any copies of the report and recommendations of the board to be published or circulated in any other manner which he may deem desirable for the purpose of securing compliance with the board's recommendations. The minister shall give like publicity to the recommendations of any dissenting member of the board.

3. The department shall, upon application and payment of the fee prescribed by regulation, supply certified copies of such reports and recommendations to any person.

4. The report and recommendations of the board and the recommendations (if any) of a dissenting member of the board shall further be laid on the tables of both houses of Parliament, if Parliament be then in session, or if it be not then in session, within seven days after the commencement of its next ensuing session.

5. The provisions of section 37 of the powers and privileges of Parliament act, 1907, shall apply mutatis mutandis to such reports and recommendations as are in this act mentioned, immediately upon publication thereof as if they were such publications as are in the said section described.

29. No proceedings had or evidence given before a board shall be cognizable before any court of law in this colony, for any purpose whatsoever, save as is otherwise provided in this act in respect of offenses thereunder.

CHAPTER V.

MISCELLANEOUS.

30. 1. Any member or officer of the board who, whether for himself or for any other person, corruptly solicits or receives, or agrees to receive from any person any fee, advantage, or reward, whether pecuniary or otherwise, as an inducement to, or in consideration of, or otherwise, on account of his acting or forbearing to act in conflict with the oath of office or secrecy taken by him, shall be guilty of an offense and liable on conviction to imprisonment for a period not exceeding five years, and shall ipso facto become disqualified for appointment to any public office for a period of seven years from the date of such conviction.

2. Any person who directly or indirectly gives, offers, or promises to a member or officer of the board any fee, advantage, or reward, whether for the benefit of such member or officer or of another person, as an inducement for such member or officer to act or forbear to act in conflict with the oath of office or secrecy taken by him, shall be guilty of an offense and liable on conviction to imprisonment for a period not exceeding five years, and to a fine not exceeding £500, or in default of payment to a further period of imprisonment, not exceeding two years.

31. Any person who, three months after the coming into operation of this act, shall be carrying on a private registry office without having registered the

same with the department, or who, being the keeper or person in charge of such office, shall at any time fail on the request of the inspector or person authorized by the inspector to produce for inspection the books of such office or to give any information as to the business carried on thereat reasonably required of him, or who, being a keeper or person in charge of such an office, shall charge fees at a higher rate than is prescribed under this act by the inspector, or charge a fee where no fee has been so prescribed shall be guilty of an offense and liable on conviction to a fine not exceeding £50, or, in default of payment, to imprisonment for a period not exceeding three months.

32. Whenever any person shall be charged with an offense under this act the registrar or clerk of the court before which such person is charged shall, within one month thereafter and whether or not a conviction is obtained, report concisely in writing to the inspector the particulars of the charge, the verdict or judgment thereon, and the sentence (if any) passed by the court.

33. 1. In any proceedings against an incorporated company for an offense under this act, the secretary and every director or manager thereof in this Colony may be charged with such offense and shall be liable to be punished therefor, unless he proves that he was in no way a party thereto.

2. In like proceedings against a local authority, the mayor, chairman, town clerk, secretary, or other similar officer shall be liable to be so charged with and in like circumstances punished for the offense.

3. In like proceedings against a partnership, every member in this Colony of such partnership shall be liable to be so charged and, in like circumstances, punished for the offense.

4. In like proceedings against a trade-union, the president, secretary, and every other officer thereof in this Colony shall be liable to be so charged and, in like circumstances, punished for the offense.

5. Provided that nothing in this section contained shall be deemed to exempt from liability any other person guilty of such offense.

34. 1. The governor may, from time to time, make, alter, and rescind regulations, not inconsistent with this act, prescribing—

- (a) The powers and duties of the inspector;
- (b) The forms of registers and other records to be kept by the inspector;
- (c) The forms of application for the appointment of a board and of any summons of parties or witnesses to attend its proceedings;
- (d) The fees and allowances which may be made to witnesses or to other persons acting on the orders of the board, and the forms of vouchers and receipts for any fees and allowances payable under this act;
- (e) The fees payable to the department for registering any private registry office or for supplying copies of any report or recommendation mentioned in this act;
- (f) What returns, statistics, information, and reports shall be furnished to the inspector, and the periods at which the same shall be furnished, by employers, masters of apprentices, and by trade unions;
- (g) Penalties for any contravention of or default in complying with the regulations, not exceeding a fine of fifty pounds, or, in default of payment thereof, imprisonment for a period of six months.

And generally, for the better carrying of the objects and purposes of this act.

2. All such regulations shall be of force and effect on publication in the Gazette.

3. All such regulations shall, within seven days after such publication, be laid on the tables of both houses of Parliament, if Parliament be then in session, and, if Parliament be not then in session, within seven days after the commencement of its next ensuing session.

35. No proceeding under this act had before a board, nor any act or omission of a board, shall be deemed invalid by reason of any defect in form or technical irregularity.

36. This act may be cited for all purposes as the industrial disputes prevention act, 1909, and shall not come into operation, unless and until the governor shall declare, by proclamation in the Gazette, that it is His Majesty's pleasure not to disallow the act, and thereafter it shall come into operation on such date as the governor may, by like proclamation, declare.

IX. EUROPEAN LEGISLATION.

AUSTRIA.

The restrictions imposed by the Austrian Penal Code upon concerted action among employers or workpeople for the purpose of influencing conditions of labor were removed by Article I of an act dated April 7, 1870.

The freedom of workpeople in that country to make effective use of their rights with respect to combinations for the purpose of causing a strike is nevertheless, in practice, very much restricted by the provisions of the associations law of the 15th of November, 1867; which regulates the conditions for exercising the right of combination affirmed by article 12 of the law of the constitution. Under this law, which is still in force, the authorities charged with the administration of that law have power to forbid the formation of a union if it should propose to adopt aims or methods deemed to be "dangerous to the State," and to dissolve a union whenever it actually adopts aims or applies methods which the authorities hold to be of such a nature, or to be other than those clearly set forth in the sanctioned by-laws of the union.

The attitude of the Government toward combinations for the purpose of strikes among workpeople and officials employed in the railway service is illustrated by the following examples of judgments delivered by the Austrian Supreme Court in cases in which the decisions of the provincial authorities had been appealed against:

(1) The question as to whether a proposed society should be regarded as dangerous to the State must not be determined solely by reference to its by-laws; regard must also be had to the actual occurrences that have conduced to, or accompanied, its formation, especially where an official record of those occurrences is forthcoming. If the occurrences were of a nature to warrant the conclusion (say) that a union of engine drivers, by organizing and combining with other unions of the same kind, was aiming at bringing about a state of things which would enable the engine drivers as a body to dictate terms to the State and the private railway undertakings, then there could be no doubt as to the union being dangerous to the State. (Judgment dated April 16, 1902.)

(2) It would be dangerous to the State and illegal if a union of railway servants were to participate in a congress which discussed the possibility of using the strong arm of labor for paralyzing the activities of the State or the possibility of bringing civilized life to a standstill by means of a union of forces between the railway servants and organized labor in general. (Judgment dated July 10, 1897.)

From the foregoing it will be seen that the Government has power under the associations law to frustrate from the very beginning any attempt to organize strikes such as might threaten the economic life of the country as a whole, or even of a particular locality.

In the case of a projected union of railway workers, postal officials, or other employees in public-utility services, the authorities would refuse to sanction by-laws in which mention was made of the strike as a means to be applied in the last resort for attaining the objects of the union, or in which provision was made for the accumulation of a strike fund. If, after its formation had been sanctioned, the union were to call a meeting to discuss the possibility of a strike, or to attempt to compel its members to contribute to a strike fund, it would be considered to be overstepping its legal bounds. It would be dissolved and its funds seized. A wide discretion is

thus left to the authorities in determining what objects and methods are to be deemed dangerous to the State or prejudicial to the public welfare.

While there exist in Austria several more or less important trade unions composed of persons employed in the railway, postal, and other public services, no strikes have so far taken place in those services.

BELGIUM.

Combinations for the purposes of strikes and lockouts remained illegal in Belgium until the Penal Code had been amended by a law of June 8, 1867. By the omission from the amended code of articles 414-416 of the original law, workpeople and employers ceased to incur any penalty for taking concerted action with a view to raising or lowering wages, even in cases where the exercise of this right should involve a breach of contract.

While thus legalizing concerted stoppages of work in themselves the new Penal Code provided certain safeguards against practices arising out of the exercise of the right to institute strikes and lockouts. The practices thus provided against were (a) interference with the free exercise of industry or labor, and (b) strikes in the public services.

In the case of persons employed by the State (including the railway, postal, telegraph, and telephone services), strikes were definitely prohibited by a new article (236) of the same code, which provided that—

Officials who, as a result of concerted action, shall resign their posts with the object of hindering or suspending either the administration of justice or the accomplishment of a lawful service shall be punishable by imprisonment for a period of one month or two years and by a fine of 100 or 200 francs. They may further be deprived of the right to be employed in any capacity in the public service.

With regard to the formation of trade unions, as distinguished from other kinds of societies (cooperative, friendly etc.), and the presentation of collective demands, the rights of persons employed in the railway, postal, telegraph, and telephone services are subject to certain limitations which do not apply to persons employed in private enterprise. Their position in these respects is defined in an amended code of rules issued by the minister of railways, posts, and telegraphs on the 10th of March, 1910. These rules contain, among other provisions, the stipulation that employees of the departments of railways, posts, and telegraphs may, provided they safeguard order and discipline, form trade unions which "have for their object the study of questions relating to the trade and the protection of the trade interests of their members. No other assembly, temporary or permanent, may occupy itself with the same object." It is further provided that employees desiring to form such a trade union shall send to the superior authority for the purpose of receiving authorization, the text of the union's by-laws, the list of the founders, and the list of members on the executive committee. Trade unions so organized may present to the ministry, either directly or through the usual official channels, all the petitions and proposals that they consider advisable and which have reference either to the

performance of the official duties or to the position of the members or to the organization of the service.

Since the first establishment of railways in Belgium there has been no serious strike in the transportation industry. As a consequence in this connection article 236 of the penal code has never been applied. The absence of strikes on the Belgian State railways is, however, stated to be due to the facts that posts on the railway are more and more sought after. Men who could earn higher wages in other branches of trade, it is stated, enter the service of the railways because of its stability, the prospect of a pension, advantages for their children, and on account of the prestige which they enjoy as public employees and officials.

DENMARK.

Recent Danish legislation for the prevention and settlement of labor disputes is embodied in two acts dated April 12, 1910. Under one of these laws provision is made for the appointment of a permanent arbitration court, composed of members of the existing national federations of employers and work people, respectively, together with a president and a vice president, each of whom possesses the qualifications of an ordinary judge. It is the business of this court to endeavor to make the parties to a dispute respect any agreement concerning arbitration into which they may have entered. The court has power to inflict fines on the party or parties adjudged guilty of violating the terms of an agreement. Witnesses summoned before the court are bound to appear, and its awards are final and enforceable as verdicts of the ordinary courts.

The arbitration court, in cases brought before it under the law, is required to decide how far the conduct complained of constitutes a violation of existing agreements and how far a decision complained of and found to be in violation of existing agreements is void. The party or parties responsible for the conduct complained of may be sentenced to a fine, which, if injury has been caused to anyone, shall accrue to the party by whom the injury has been actually suffered and in other cases to the plaintiff. Unless otherwise stipulated beforehand, the organization as such incurs legal liability only when it has made itself a party to the conduct of which complaint is made.

The arbitration court, in determining the amount of the fine, is governed by the magnitude of the injury, having due regard to the extent to which the offending party may have acted innocently. Where specially extenuating circumstances are found to exist the court may decide to inflict no fine.

Specially aggravating circumstances are deemed to exist where the offender has refused, although bound by his agreement to accept, arbitration, or where he has acted contrary to the terms of a legally pronounced award or of a judgment given by the arbitration court to which the law relates.

The second of the two laws enacted in 1910 provides for the appointment of a Government conciliator, holding office for two years at a time. Whenever a serious strike or lockout has either taken place or appears likely to do so, and negotiations between the disputants have proved unavailing, the conciliator may, on his own initiative or on the application of one of the parties, summon them to a conference, and the parties are bound to obey such summons.

FRANCE.

The principle of liberty both for employers and for work people to take concerted action with a view to the cessation of work has been formally recognized in France since the amendment, by a law dated May 25, 1864, of articles 414-416 of the penal code. In their amended form these articles imposed penalties only when the strike or lockout is brought about by "threats or fraudulent devices." Even in its amended form, however, article 416 of the penal code prevented the effective exercise of the right to strike until the passage of the trade-associations law of March 21, 1884. The consequences of such repeal are described in a ministerial circular of August 25, 1884, in the following terms:

(a) The fact of having concerted measures with a view to preparing for a strike is no longer an offense either as regards associations of employers or workmen who are not members of an association.

(b) Fines, prohibitions, prescriptions, or interdictions pronounced in pursuance of concerted measures are no longer considered an attempt to prevent the free exercise of industry and labor.

A further obstacle to the effective exercise of the right to carry on strikes and lockouts was removed by those articles of the trade associations' law of 1884, under which freedom is granted to form trade associations without first obtaining formal sanction from the Government.

The only limitations upon complete freedom to strike in the railway service in France are contained in a law of July 15, 1845, of which article 20 is as follows:

Any engine driver, guard, or brakeman who shall desert his post during the progress of a journey shall be punished with imprisonment for a period of six months to two years.

A law dated July 22, 1909, authorized the Government to suspend during a period of strike or lockout the operation of certain laws whereby vessels sailing under the French flag enjoy a monopoly of the trade between the ports of continental France and those of Algeria and Corsica. This law was enacted in consequence of the frequent interruptions of maritime communications between France and the ports of the countries mentioned, by reason of strikes of French seamen, and it may be regarded as indirectly prohibiting strikes and lockouts of seamen engaged in that particular trade under the threat of a suspension of the monopoly.

It may be added that the same law provides for the establishment of a permanent arbitration board for dealing with disputes between the shipping companies and their seamen.

In 1910 a general strike was attempted by railway employees in France, but it was declared off after six days because the Government called the striking employees to the colors and placed them under military orders. An order was then issued requiring them to maintain and operate the railways.

GERMANY.

In Germany the State railway system, with the exception of about 1,000 miles of line in Alsace Lorraine, is owned and administered by the governments of the various constituent States. The enactment

of laws for the prevention of strikes among railway employees, therefore, concerns the Imperial Parliament only to a very slight extent and pertains almost exclusively to the separate State parliaments. So far, none of the States have availed themselves of their power to enact legislation subjecting such employees to penalties in the event of their combining for the purpose of a strike.

The legal status of railway workers in the various States of the Empire as regards freedom to strike is thus virtually identical; no law exists under which they can claim to have a right to strike; neither is there any law under which they would incur a penalty for striking. In all the States, however, the rules and practice of the railway administrations are such as to make it extremely difficult, if not indeed impossible, for a strike to be organized. A strike of railway employees has, in fact, never occurred in Germany.

Among the rules for admission to the service of the Prussian and Hessian State railways in the capacity of *arbeiter* (i. e., workman, as distinguished from official), is one providing that applicants must be able to show "that their past life has been respectable, that they have not been convicted of any offense by the courts, and that they have not been associated with any unions or movements that are inimical to public order." Another rule provides that "Even when not on duty the workman shall behave with dignity and honor, and shall hold himself aloof from all unions and movements that are inimical to public order."

Paragraph 6 of the rules as to employment of workmen on the Saxon State Railways contains, among other stipulations, a provision that the employees shall hold themselves aloof from unions or movements that are inimical to public order. Article 16 of the Bavarian law of August 16, 1908, concerning the rights and duties of officials, states that "No official may take part in a union whose aims or efforts conflict with the interests of the State or the service."

By paragraph 14 of the code of rules governing conditions of employment on the Saxon State Railways, a workman who "incites or persuades others to commit certain acts with the object of forcing the administration to grant higher wages" is declared to incur the penalty of immediate dismissal.

The State railway administrations of Baden and Wurtemberg have no written rules restricting the class of trade-unions to which their workmen may belong, but in the case of such of their employees as have attained the status of "official" membership in a union that advocated strikes would entail dismissal, while in the case of a "workman" membership would destroy his prospects of promotion to that status.

The attitude and practice of the German State Railway administration toward combinations formed among their staff is clearly illustrated by a statement made in the Reichstag on November 13, 1911, by Herr von Breitenbach, the Prussian minister of public works. The minister's observations were made in reply to an interpellation concerning the reasons for the discharge of certain members of the railway staff in Alsace-Lorraine. From these observations it appears that the railway administration always insists on being informed of any proposals on the part of the members of the staff to form a union; that it requires the by-laws of the union to be submitted to

it so as to be sure that the objects in view do not conflict with the fundamental principles of the contract of service; and that it is an established practice for the administration to be furnished in advance with a copy of the agenda of each meeting, failing which a representative of the department is deputed to attend and watch the proceedings.

It was further pointed out in the course of the debate that at least 90 per cent of the organized railway servants belong to unions whose by-laws specifically waive all claims to exercise the right to strike.

Means for enabling the various groups of railway workers other than "officials" to bring their requests and grievances to the notice of the authorities are now established by all the great State railway administrations in Germany under the name of *Arbeiteraussche* or workmen's committees. The committees are composed of representatives elected by the various groups of the staff in each geographical district or subdistrict into which the railway system of the particular State is divided. The manner of election, functions, and procedure of the committees are prescribed by the railway administration, and special care is taken to keep the committees free from the influence of trade-unions. Thus the rules in force in Prussia and Hesse provide that "members of committees are not permitted to render an account of their doings in the committee to persons not connected with the railway service or to unions or associations, nor may they accept mandates from such persons or unions for their activity."

HOLLAND.

The restriction against concerted action by work people in Holland for the purpose of stopping work was removed by article 3 of the Dutch law of April 12, 1872.

The freedom of action with respect to strikes conferred by this law was enjoyed by railway employees, in common with other classes of workmen, until the year 1903. A general strike in the Dutch railway service, which took place in January, 1903, led to the enactment on April 12 of that year of a special law for the prevention of strikes in the railway service.

Article 1 of this law increased the stringency of the penal code with respect to "offenses against liberty" by providing as follows:

Article 284 of the aforesaid penal code is amended so as to read as follows:

"Imprisonment for a period not exceeding nine months or a fine not exceeding £25 shall be incurred by anyone who—

"(a) Unlawfully compels another by means of violence or any other forcible action, whether employed against that person or against a third party, to do, or to abstain from doing, or to suffer anything;

"(b) Compels another by threats of insult or defamation to do or abstain from doing anything: *Provided*, With regard to (b), that the offender shall be prosecuted only on the complaint of the person against whom the offense is committed."

Under article 2 of the law the existing provisions of the penal code relating to offenses in "official employ" were supplemented by the enactment of three new sections directed against the stoppage of railway traffic by the voluntary acts of the employees themselves.

Of these new provisions, one provided that "any official or any person permanently or temporarily employed in connection with the public railway traffic, not belonging to the staff of a railway on which the traffic is conducted exclusively at limited speeds, who, with the object of creating or causing to continue a stoppage of a public service or of the public railway traffic, neglects or, having been lawfully charged therewith, refuses to perform duties to which he has bound himself either expressly or by virtue of his engagement, shall be punished with imprisonment for not more than six months, or by fine not exceeding 300 florins (\$121.65)." Another section stipulated that a term of imprisonment of not more than two years should be imposed on any two or more persons who, as a result of a conspiracy, should commit the offense described in the foregoing section. It was further enacted that "if the object described above (a strike or interference with traffic) shall have been attained, a penalty of imprisonment shall be inflicted, the duration of which shall be from one to four years according to the offense."

As there have been no strikes in Holland since 1903, the foregoing measures have never been put in practice.

Concurrently with the preparation of this law, steps were taken for providing the railway staff with means for adjusting their grievances, and on April 7, 1903, a decree was promulgated requiring the managing boards of railways to prepare, for submission to the Government, codes of rules fixing the conditions of engagement and discharge and the wages of the different classes of railway servants, the procedure of boards of arbitration established for the enforcement of penalties, the division of the staff into groups for the election of delegates authorized to lay the wishes and complaints of the men before the managers, and the conditions for arriving at a decision on the subject of such complaints.

ITALY.

Freedom to combine for the purpose of a strike is withheld from employees of both State and private railways in Italy.

By article 56 of the law of July 7, 1907, all employees of State railways were declared to be "public officials" and are thereby brought under the operation of articles 178 and 181 of the Penal Code. Article 56 of the law of July 7, 1907, is as follows:

All employees on State railways, whatever their grade and duty, are considered as public officials. * * * Those who voluntarily leave or neglect to take up their duty, or who perform it in such a way as to interrupt or disturb the community or regularity of the service, are considered as dismissed and are replaced.

The director general, however, with the approval of the council of administration and after having considered the individual conditions and personal responsibilities, can impose the stoppage of an increment of salary or wages or degradation instead of dismissal.

By article 27 of a law of April 22, 1905, the status of a "public official" was assigned also to employees of private railway undertakings. Such employees, therefore, in the event of their striking, would incur the penalties provided by articles 178 and 181 of the Penal Code.

Private railway undertakings, moreover, are required under a law dated June 30, 1906, to draw up and submit to the ministry of

public works a code of disciplinary rules. These must be in harmony with those applied in the service of State railways and must, therefore, provide disciplinary penalties similar to those specified above as being laid down by article 56 of the law of July 7, 1907, for persons who "voluntarily leave or neglect to take up their duty or who perform it in such a way as to interrupt or disturb the continuity or regularity of the service."

Under article 178 of the Penal Code as amended in 1889, a public official who on any pretext omits or refuses to perform an act pertaining to his office is punishable with a fine of 50 to 500 lire; if such an offense is committed preconcertedly by three or more officials the fine is from 100 to 300 lire.

Article 181 of the same law provides that—

State officials who to the number of three or more, by preconcerted action, unlawfully abandon their duties are punished with a fine of 500 to 3,000 lire and temporary exclusion from office.

The same penalty applies to public officials who abandon their duties in order to prevent the carrying out of any business or in order to occasion any other prejudice to the public service.

No machinery has been established by which employees may formally present grievances or requests for adjustments.

TURKEY.

A law of the Ottoman Empire, dated August 9, 1909, provided that in the case of public-utility services no strike could take place until the grounds of the dispute have been communicated to the Government and the parties have failed to reach a settlement by means of conciliation applied in accordance with prescribed rules. If the two parties are unable through the process of conciliation to reach an agreement, the employees are free to leave work, but are absolutely forbidden to perform any act or make any demonstration opposed to freedom of action.

If, when the decision of the conciliation board has been put into effect and registered as concerning both the establishment and the employees and workmen, the administration of the establishment nevertheless avoids carrying out the provisions of the award in good faith, it is thereupon warned by the ministry and requested to apply the terms of the award. In case of failure to comply with such request within eight days, the establishment for every day's delay thereafter is compelled under the law to pay a fine ranging from £25 to £300, according to the amount of its capital.

The sum so collected is allocated to the employees and workmen's pension and savings funds, or where such funds do not exist, is distributed among the employees and workmen in proportion to their salaries and wages. In case of a refusal by the establishment to give this compensation voluntarily it is taken by law. Every workman is entitled to sue for his part of the compensation money.

PORTUGAL.

Before the revolution in Portugal, which took place in October, 1910, strikes were forbidden under article 277 of the Penal Code, but the offense was not always followed by its legal penalty.

In one of its first decrees the Provisional Government affirmed the right of employees to strike. This decree was dated October 31, 1910, and was published in the official gazette, *Diario do Governo*, on the 3d of November. Its publication was followed by a rapid extension of the strike movement and the Government saw itself obliged within a month to publish a further decree modifying and defining the right which they had recently affirmed.

While guaranteeing in general terms the right to continue, for a simultaneous cessation of work, the new decree (dated December 6, 1910) prohibited practices tending to restrict the freedom of work people or employers to carry on their work or industry. (Arts. 1 and 2.) In cases where the public would be deprived of light, water, or necessary provisions, or the inmates of hospitals or asylums would be left without assistance; also in cases affecting any transport service, whether by land or water, no strike or lockout might be instituted without a specified number of days' notice having been given and a statement having been furnished to the authorities, setting forth the exact reason and precise objects of the strike or lockout.

Under article 2 of the decree of December 6, 1910, persons attempting to form or maintain or prevent associations of employers or employees for the simultaneous cessation of work, by violence, threats, or who in any way use pressure tending to diminish the liberty of the employed of employers in the legal exercise of their work or their industry, are, when such an act does not constitute an offense punishable under the code by a severer penalty, liable to a period of imprisonment not exceeding six months, and to a corresponding fine.

Provision was made by the decree of October 31, 1910, for a commission to adjust controversies between employers and employees, the decree reciting that the commission should act in such cases "until the Constituent Assembly shall definitely pronounce on a matter of such importance."

The decree sets forth that the duties of the commission "shall be to receive all claims which may arise out of questions and dissensions between employers and employed, and it shall endeavor to bring into harmony all legitimate interests and propose to the Government any measures or steps which it may be considered expedient to take for the attainment of this object."

ROUMANIA.

A decree of the Roumanian Government dated January 1, 1910, contains provisions for the prevention of stoppages of work in any kind of public-utility service whether general or local.

Under this law no official, artisan, worker, and, in general, no person who is paid a salary by the State, or by a department, commune, or public establishment having an economic character, whether industrial or commercial, also no person charged with a public service, may, under any pretext, join a trade union without first receiving authority to do so from the competent minister.

The officials, artisans, and workpeople defined above are prohibited from striking.

Persons contravening these provisions are subject to dismissal from employment and to loss of their claim to any bonuses and contributions to pension funds, whether made in virtue of legal dis-

positions or by rules, or of dispositions arising out of the contract of service.

Under the decree of January 1, 1910, whoever by violence or threats causes partial or total cessation of work, or prolongs such suspension, with the object of reducing the wages of the workpeople or of securing from the employers an increase in wages or conditions of labor different from existing ones, is liable to imprisonment for a period of one month to two years. Should the offender be a stranger to the establishment in which the strike occurs, the maximum penalty is imposed.

No formal procedure was provided for the adjustment of grievances or for the presentation of requests of workmen.

RUSSIA.

The principle of combining by means of a strike to compel an employer to grant improved conditions of labor has never been formally affirmed in Russia.

Under article 1358 of the Penal Code, combinations of workpeople for the purpose of striking in order to secure an increase in wages entailed imprisonment for terms ranging from three weeks to three months in the case of the ringleaders, and from seven days to three weeks in the case of other participants. The foregoing article of the Penal Code was repealed by an imperial ordinance dated 2d (15th) December, 1905, with the result that peacefully conducted strikes not affecting undertakings of a "social or governmental character" are no longer punishable as formerly.

The imperial ordinance of 2d (15th) December, 1905, relates especially to strikes in the railway and telephone service, but its provisions were extended by an ordinance of 10th (23d) April, 1906, so as to cover all undertakings having a social or governmental character if the suspension of work of the workpeople threatens the security of the State or gives cause for fear of a national calamity. The new ordinance makes special mention of "undertakings engaged in maritime and river transport, having for their object the transport of goods and passengers, and also timber rafting and the harbor and docks services, and the maintenance of navigation."

The earlier of the two ordinances provides that whoever causes unrest among employees on railways or in the telephone service (not belonging to the State), or contributes in any way toward provoking a strike or toward interfering with work, shall be imprisoned from 8 to 16 months if the provocation has been effective. If such agitation is the act of a person not working in the establishment, the penalty is 8 months' imprisonment.

The act further provides that whoever is guilty of deliberately inciting the workmen to interrupt, disturb, or fail to resume work shall, if the purpose of such incitement is achieved, incur the penalty of 8 to 16 months' imprisonment. If such incitement is the act of a person not employed in the establishment, or if it results in no interruption, disturbance, or nonresumption of work, the punishment is imprisonment for from 2 to 8 months.

With respect to striking, the act provides that employees of railroads or in the telephone service (not belonging to the State)

who are guilty of interrupting, disturbing, or not resuming their duties shall be punished by detention for three weeks to three months, or by imprisonment for 4 to 16 months. Employees who arbitrarily and by preconcerted plan have stopped work and who have also been guilty of forcing their comrades to suspend or fail to resume work are liable to imprisonment for a term of 4 to 16 months, unless the act shall be found to assume a graver character. These persons are equally liable to this penalty who, arbitrarily and preconcertedly ceasing to fulfill their duties, are guilty of having forced other employees in the same establishment to discontinue, disturb, or fail to resume work.

No means are provided for giving vent to the grievances of employees.

SPAIN.

Until less than three years ago the existence of a right to institute strikes and lockouts in Spain could only be inferred from the absence of any law withholding or limiting that right. All uncertainty on the subject was, however, removed by a special enactment, dated April 27, 1909, relating to strikes and combinations. Article 1 of that law was as follows:

Employers and workpeople may combine, strike, or declare a lockout in defense of their respective interests without prejudice to the obligations resulting from any contracts into which they may have entered.

Articles 5, 6, and 7 of the law deal with strikes and lockouts in public-utility services. Article 5 makes provision as follows:

(1) Strikes and lockouts shall be declared to the authorities eight days beforehand, when they tend to bring about an interruption of the light or water supplies or of the railway service.

(2) When as a consequence of the strike or lockout the sick and persons in institutions of any district are deprived of assistance.

Article 6 requires that strikes and lockouts shall be declared to the authorities five days beforehand when they may tend to bring about the interruption of the street railway service or to cause the inhabitants of a locality to be deprived of an object of general and necessary consumption. In this case, as in that of the preceding article, the declaration to the authorities must make known the cause of the strike. In article 7 is contained the requirement that the principals and leaders of the strikes and lockouts, covered by sections 5 and 6, who shall not have made the prescribed declaration to the authorities with the required notice shall be liable to imprisonment.

The effective exercise of the right to strike as well as of freedom to work are guaranteed by articles 2 and 9. Article 2 provides, in substance, that any person who, in order to organize or maintain or prevent combinations of workpeople, strikes or lockouts, shall make use of force, violence, or threats, shall be liable to imprisonment or to a fine of from 5 to 125 pesetas (4 shillings to £5), unless the action should constitute a more serious offense defined by the Penal Code. In article 9 it is stipulated that legally constituted unions may organize or maintain combinations, strikes, or lockouts conformably to the dispositions of the law, but may not force their members to participate in a combination, strike, or lockout by means contrary to the free exercise of rights.

Acts of the kind which come under the head of picketing or intimidation are dealt with under articles 3, 4, and 8. In article 3 it is declared that those who cause public obstruction or assemble with the object of violently compelling anyone to strike, or to declare a lockout, or of obliging them to desist from a strike or lockout, are liable to imprisonment. The maximum penalty is imposed on principals and leaders, if they have taken part in the offensive acts. Article 8 contains the stipulation that meetings and demonstrations organized with a view to declaring, maintaining, or preventing a strike, or lockout are covered by the law of public meetings. The offenses punishable under law are assimilated to those covered by the Penal Code as regards the application of the law of public meetings.

SWITZERLAND.

Federal legislation in Switzerland consisting of article 56 of the law of the constitution which was enacted on May 29, 1874, guarantees the general right to strike or concerted action. This article provides that "citizens have the right to form associations, providing there be nothing illicit or dangerous to the State in their object, or in the means which they employ. The Cantonal laws shall prescribe the measures necessary for the repression of abuse."

So far as Federal legislation is concerned, the only enactment which could be considered to involve any limitation (even indirect) of the right to strike is the Federal act of October 15, 1897, "concerning the acquisition and working of the railways on behalf of the Confederation, and the organization of the Federal railways." By article 12 of that act it is stated that—

The officials and employees of the Federal railways are subject to the laws which govern officials of the Confederation.

In the regulations issued on the 7th of December, 1899, in pursuance of the foregoing law, it is provided by article 66 that—

When of set purpose, or through negligence, functionaries, employees or workpeople of the Federal railways do not properly fulfill their functions, the authority under which they serve may provisionally suspend them, while withholding their pay, fining them up to 100 francs, or cautioning them.

Anyone so punished may appeal to the authority immediately above that inflicting the penalty.

Should damage result from these failures of service, the culprit may be made to repair all or part of such damage.

There have been no railway strikes in Switzerland since the nationalization of the railways in 1897, nor does there appear to exist a law for the settlement of disputes in the Federal railway service.

Of the 25 Cantons that form the Swiss Confederation only one appears to have enacted legislation involving any limitation of the right to strike, namely, Geneva.

A law enacted by the Canton of Geneva on the 26th of March, 1904, prescribes the methods to be employed for establishing collective agreements regarding conditions of labor in the various trades and for bringing conciliation and arbitration to bear upon disputes incidental to the establishment, modification, and interpretation of such agreements.

Under article 17 of the law, strikes and lockouts are illegal when instituted for the purpose of modifying an agreement actually in

force or violating the award of the official board of arbitration concerning such an agreement. Under article 18 penalties are imposed for making any "public" appeal for a stoppage of work (whether strike or lockout) until the prescribed methods of conciliation and arbitration have been applied, during the time of their being applied, and once a solution of the question in dispute has been arrived at by these means.

Should the parties be unable to agree, an attempt at conciliation must, at the request of either of the parties, be made by the council of state, which may delegate one or more of its members for this purpose. In case of a difference which affects the whole of a trade, the council of state may of its own initiative make the attempt at conciliation.

The arbitrators selected for the adjustment of controversies, as prescribed by the law, may order the putting into force of a schedule of wages and other labor conditions in a trade only after a delay of at least six months after their decision, unless the parties accept by agreement a shorter delay.

X. AUSTRALASIAN LEGISLATION.

AUSTRALASIA.

The Commonwealth of Australia, the several constituent States, and the Commonwealth of New Zealand have during the past 25 years developed elaborate governmental machinery for the determination of wages and working conditions, the prevention of strikes, and the promotion of industrial peace. The primary object of these laws has been to protect the working classes against rates of pay and working conditions which are alleged to be unsatisfactory and to protect employers, industrial workers, and the general public against the inconvenience and losses arising from industrial warfare. Under these conditions special attention has not been directed toward the transportation industry and the public-utility service. The regulation of wage disputes between public-service corporations and their employees has been subordinate to the broader objects of the industrial program. The different laws and their operation afford, however, a valuable insight into the efficacy of legislative provisions for the prevention of strikes and the compulsory mediation or arbitration of disputes relative to wages and industrial conditions.

THE COMMONWEALTH OF AUSTRALIA.

Authority was granted to the Federal Parliament of Australia to legislate in reference to industrial disputes extending beyond the boundaries of any one State by the constitution of 1900, the law thus authorized being enacted in 1904. The law is of the most inclusive scope as far as employments or occupations are concerned, and the court established by it has cognizance of all disputes, actual, impending, or threatened, which are of a geographic extent to bring them within the Federal purview.

Jurisdiction is obtained by certification by the proper industrial or political authority, by the request of the parties in interest, or by the voluntary action of the president of the court. Conciliation

is, of course, the first attempt, which failing, awards of a binding nature may be made. Cases under consideration by State authorities may be taken over by the Federal court if the extent of the dispute warrants such action.

The system is based on unionism, registers of organizations of employers and employees being kept by an official registrar, whose certifications and records are an essential part of the procedure established by the act. Strikes and lockouts are forbidden under penalties of such severity as to make their occurrence extremely unlikely, while the enforcement of awards is likewise undertaken by levying fines on the offending persons or organizations, members of unions being personally responsible where the union assets are insufficient to meet the fine. Agreements by way of conciliation, when properly authenticated, are binding in the same way as awards. The court has authority to make use of subsidiary bodies and agencies for the securing of data or the decision of technical matters. Amendments extending the authority of the court and strengthening the provisions of the act are evidence that the method is generally approved, though there are, of course, some unwilling submissions. There has not been since the enactment of the law any strike extending beyond the boundaries of a single State.

The definition of "industrial disputes" as amended by an act of 1911 includes:

- (1) Any dispute as to industrial matters, and
- (2) Any dispute in relation to employment in an industry carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State, and
- (3) Any threatened or impending or probable industrial dispute.

The definition in those cases in which a dispute extends beyond the "limits of any one State" includes "employment upon State railways," although the special reference thereto which had been included in the definition of "industrial disputes" in the original act is omitted in the act as amended.

In Part II of the act it is provided that no person or organization shall, on account of any industrial dispute, do anything in the nature of a lockout or strike or continue any lockout or strike.

This section does not apply to anything proved to have been done for good cause independent of the industrial dispute, but on a prosecution for any contravention of this section the onus of such proof is placed on the defendant. In default of such proof, and on proof of the lockout, strike, or continuation of the industrial dispute, such acts are deemed to have been on account of the industrial dispute.

In the case of a lockout or strike by any person or association the act provides for the imposition of a fine of £1,000.

Under section 7 of the act where persons with a view to being associated as employers and employees, respectively, in any industry have entered into an industrial agreement with respect to employment in that industry any of such persons who, without reasonable cause or excuse, refuse or neglect to offer or accept employment upon the terms of the agreement is deemed to be guilty of a lockout or strike, as the case may be.

The sole tribunal created under the act is a court consisting of a president appointed by the Governor General from among the

justices of the high court of the Commonwealth. The president is entitled to hold office for seven years and is eligible for reappointment.

A distinction is drawn between the duties of the "president" and the "court," the former being specially charged with the duty "of endeavoring at all times by all lawful ways and means to reconcile the parties to industrial disputes, whether or not the court has cognizance of them, in all cases in which it appears to him that his mediation is desirable in the public interest."

Under the amending act of 1910 the president may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself. Any person summoned shall attend the conference and continue his attendance thereat as directed by the president.

The industrial disputes of which the court shall have cognizance "for the purpose of prevention and settlement" are thus set out:

(a) All industrial disputes which are certified to the court by the registrar as proper to be dealt with by it in the public interest;

(b) All industrial disputes which are submitted to the court by an organization, or by an association registered for the time being as an organization, by plaint;

(c) All industrial disputes with which any State industrial authority, or the governor in council of a State in which there is no State industrial authority, requests the court to deal; and

(d) All industrial disputes as to which the President has held a conference under section sixteen A of this act, and as to which no agreement has been reached, and which the President has thereupon referred to the court.

Awards of the court continue in force for such period as may be specified not exceeding five years, but unless the court otherwise determines, continue in force after the expiration of this period until a new award is made.

DIGEST OF CONCILIATION AND ARBITRATION ACT.

A summary of the leading features of the conciliation and arbitration act of the Commonwealth of Australia is set forth below:

CONCILIATION AND ARBITRATION ACT, 1904, AMENDED TO 1915.

SCOPE OF LAW.

- (a) Employers: Any employer in any industry or undertaking;
- (b) Employees: Any employee in any industry or undertaking.

ADMINISTRATION.

(a) A court of conciliation and arbitration, consisting of a president, who is one of the justices of the high (Federal supreme) court;

(b) Justices of the high court or judges of the supreme courts of the States, appointed by the president as his deputy, with such powers and functions as he may see fit to assign them;

(c) An industrial registrar and deputy industrial registrars;

(d) Conciliation committees of equal numbers of employers and employees;

(e) Assessors representing the parties, appointed by the court to advise it;

(f) Local industrial boards, either a State industrial authority or a specially constituted board, equally representative of employers and employees, with a justice of the high court or judge of the State supreme courts as chairman.

MATTERS COGNIZABLE.

Industrial disputes, whether actual or only threatened, impending, or probable, extending beyond the limits of any one State, including all matters relat-

ing to work, wages, hours, privileges, duties of employers and employees, conditions of employment, etc.; also all such disputes in the Northern Territory, or relating to employment in any industry carried on by or under the control of the Commonwealth or a State or any public authority thereunder.

JURISDICTION OBTAINED.

(a) By certification of dispute by the registrar as proper to be dealt with in the public interest;

(b) By submission by an organization of employers or employees registered under this act;

(c) By request of a State industrial authority or of the governor in council of a State having no industrial authority;

(d) By intervention of the president in any case in which it appears to him that his mediation is desirable in the public interest.

If it appears that a State industrial authority is about to deal with a dispute cognizable by the court, it may direct the State authority to desist and the court itself deal with the dispute.

The Federal high court has jurisdiction to hear and determine whether any alleged dispute exists or is threatened, impending, or probable, or extends beyond the limits of any one State. This jurisdiction may be exercised by any justice of the high court sitting in chambers.

The initiation or continuance of any strike or lockout by any person or organization is forbidden under penalty of £1,000 (\$4,866.50).

PROCEDURE.

(a) Conferences with individuals summoned by the president for the purpose of preventing or settling a dispute.

(b) Investigations and suggestions to induce settlements by amicable agreement. An agreement thus reached, when properly signed and certified, has the force of an award.

(c) Temporary reference of any matter by the court to a conciliation committee with a view to conciliation.

(d) Reference by the court to a local industrial board for investigation and report, or with full authority to act. Dispute may be decided on the report of such a board and the award made without further hearing.

(e) Awards in determination of the dispute, or any part thereof, not settled by agreement.

SUBMISSIONS OF DISPUTES BY ORGANIZATIONS.

(a) Must be approved by the court; or

(b) Must be certified by the registrar that they have been given in writing, with the consent of the organization given in proper form.

DUTIES AND POWERS OF THE COURT OF CONCILIATION AND ARBITRATION.

(a) To hear and determine disputes and to make orders and awards in pursuance of the hearings and determinations.

(b) To enforce compliance with orders, awards, or directions by injunctions or money penalties.

(c) To summon parties and witnesses, administer oaths, and require the production of books and papers.

(d) To at any time in its discretion require security from an organization submitting a dispute for the performance of the award.

(e) To inspect at any time during working hours, either in person or by an appointee, any building, mine, vessel, or other premises or working place which is the subject of the dispute or award, or in which an offense against the act is suspected.

(f) To establish rules for the conduct of industry and require their observance by all persons, whether members of organizations or not.

(g) To assess costs on either party for the benefit of the other, but not so as to include the services of counsel, solicitors, or agents.

(h) To refer technical matters to experts, and to dismiss matters or parts of matters of a trivial character or otherwise not of a nature demanding further consideration.

(i) To join or strike out parties, to modify or review its own orders and awards, waive irregularities, adjourn sittings to any time and place, make rules

as to practice and procedure, and generally to do all things necessary or expedient in the premises.

(j) To issue on the request of any party orders in the discretion of the president as to any interlocutory proceedings to be taken before the hearing.

Proceedings shall be according to equity, good conscience, and the substantial merits of the case, without regard to technicalities, legal forms, or the rules of evidence.

All powers may be exercised at the instance of any party in interest or by the court on its own motion, except that no order or award shall be varied or submission reopened except on the application of a party.

Hearings may be had in the absence of any party who has been notified to appear.

Organizations may be represented at a hearing or determination by a member or officer, and parties not organizations by an employee of the party; but no counsel, solicitor, or paid agent shall appear without the consent of all parties.

DUTIES AND POWERS OF REGISTRARS AND DEPUTIES.

(a) To certify as to the proper form and authority of submissions, or as to the existence or imminence of a dispute and the propriety of its consideration by the court.

(b) To receive and keep on file a copy of every award.

(c) To keep a record of registered organizations of employers and employees, issuing certificates of registration thereto.

(d) To perform such other duties as the president may prescribe by rules properly issued.

DUTIES AND POWERS OF CONCILIATION COMMITTEES.

To act on matters referred to them by the court with a view to reconciling the parties.

DUTIES AND POWERS OF ASSESSORS.

To advise the court in regard to matters referred to them, and discharge such other duties as may be directed by the court or otherwise.

DUTIES AND POWERS OF LOCAL INDUSTRIAL BOARDS.

To investigate and report on any dispute or any matter arising out of a dispute, or to exercise all the powers of the court in reference thereto as to conciliation and amicable agreement, if so authorized.

AWARDS.

(a) Shall be framed to best express the decision of the court without technicality.

(b) Are not restricted to the specific relief claimed or demand made by the parties, but may include any matter or thing thought necessary or expedient to settle the dispute or prevent further disputes.

(c) Shall be in force for the term fixed therein, which shall not exceed five years; but in the absence of orders to the contrary, shall be in force thereafter until a new award is made.

(d) Shall be binding on all parties who appear or are represented at the hearings, and on all who have been summoned as parties or required to answer the claim, unless found to be improperly made parties; successors or assignees of employers are bound, as are all members of organizations covered by an award, and all organizations or persons on whom the award is declared by the court to be binding as a common rule.

(e) Supersede any inconsistent State law, or award or order of a State industrial authority.

APPEALS.

No award or order of the court may be challenged, appealed against, reviewed, quashed, or called in question in any other court, but shall be subject to variation by the court of conciliation and arbitration at any time during its continuance.

ENFORCEMENT.

Any breach or nonobservance of any term or an order or award subjects the person or organization so offending to penalties in amounts determined as to their maximum by the court; such penalties may also be imposed by any court of summary jurisdiction. If the offender is an organization, its property may be levied on, and if this is not sufficient, then also the property of the members, not to exceed, however, the sum of £10 (\$48.67) per member, unless it be an organization of employers with less than 100 members, when the individual maximum may be the pro rata part of £1,000 (\$4,866.50).

A mandamus or injunction may also be issued at the instance of any party to an award, requiring compliance under pain of fine or imprisonment.

Persons unlawfully engaging in strikes or lockouts, or willfully failing to comply with an award, forfeit all rights under the award and also lose their membership in any organization to which they may belong, together with any existing or accrued rights to benefits therein, and are subject to a fine.

A board of reference may be appointed by the court on its own motion or on application of a party in interest, to which may be assigned the duty of allowing, approving, fixing, or otherwise dealing with any specified matter under the award, but subject to the conditions specified in it.

NEW ZEALAND.

The industrial conciliation and arbitration act of New Zealand is perhaps the best known of the whole body of Australian labor legislation, largely because it has been in active operation since a year or two after its adoption in 1894. The act has been amended on several occasions, but some of its more essential features as it operated up to the act of 1908 were similar to the corresponding acts of the Commonwealth referred to above, and of Western Australia.

The great change introduced in the New Zealand act of 1908 is one by which failing voluntary and informal settlements the reference of "disputes" in the first instance to special councils of conciliation is made, save with regard to Government railway workers, obligatory. The court remains as an integral part of the structure of the act, but it can be applied to only if the councils of conciliation fail in the task of adjustment. These councils, although appointed ad hoc to deal with "disputes," and not for a period of years to fix certain specified conditions in a trade, are, alike in their position and as regards their more important duties, of the nature of wages or special boards.

As regards strikes and lockouts, the legislature has never entirely prohibited them, except with respect to bodies on behalf of which cases were pending or when they were subject to award.

HISTORY OF LEGISLATION.

The industrial conciliation and arbitration act of New Zealand now in force was enacted in 1908, being a consolidation of earlier acts of 1905-6. The act has been the subject of several amendments up to the year 1913. It covers all employments and has a central court of arbitration as its permanent administrative agency. There are also councils of conciliation, at the head of which are commissioners appointed for terms of three years, and acting in the first instance in most cases, though certain classes of disputes (those affecting Government railroads and those extending to more than one industrial district) may be considered by the court without previous action by a council.

The investigative powers of the councils of conciliation are limited to the extent that trade secrets and business profits and losses are not subject to disclosure. Otherwise, if no agreement between the parties is brought about by a council, it may, on a unanimous agreement of its members, furnish its findings and recommendations for publication. The recommendations may be accepted by the parties, and such acceptance, as well as any agreements reached, are of the same binding effect as awards.

Matters not otherwise settled may be taken up by the court of arbitration, which has full investigative powers, its awards being binding on the parties, districts, and industries specified therein.

The parties are employers, singly or in association, and associations or unions of employees, such bodies being registered under provisions of the act. Jurisdiction is obtained by councils of conciliation by application of a party to a dispute and by the court by reference, except in cases where it may act in the first instance, when application of the parties, one or both, gives jurisdiction.

Engaging in or inciting strikes or lockouts where there is a valid existing agreement or award subjects the offender to a fine, and so also in specified (public utility) industries, even if there is no agreement or award, until after at least 14 days' notice.

DIGEST OF INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1908, AMENDED TO 1913.

SCOPE OF LAW.

- (a) Employers: Any employer of one or more workers.
- (b) Employees: Any person employed to do any work for hire or reward.

ADMINISTRATION.

- (a) The minister of labor, who has general charge.
- (b) A court of arbitration, consisting of three members appointed by the governor, one, "the judge of the court," to be eligible to be a judge of the supreme court, and to have the tenure, salary, etc., of such a judge; the others to be nominated, one each by unions of employers and of workers, respectively, and to serve for three years.
- (c) Councils of conciliation, consisting of a conciliation commissioner appointed by the governor for a term of three years, to have jurisdiction within a designated industrial district, and one, two, or three assessors appointed by the commissioner for the occasion on the nomination of the parties applying for a reference to a council, a like number to be appointed on the nomination of the respondents.
- (d) Boards of investigation.
- (e) A registrar of industrial unions and a deputy registrar.
- (f) District clerks of awards.
- (g) Inspectors of awards.

MATTERS COGNIZABLE.

Any dispute between employers or industrial unions or associations of employers and one or more industrial unions or associations of workers, on any subject affecting the conditions of employment, not including questions involving indictable offenses, but covering all matters of wages, hours, sex, the employment of children, preference of union members, usages and customs, etc.

JURISDICTION OBTAINED.

- (a) Any industrial union or association, or an employer, party to a dispute, may make application to the commissioner for the district that the dispute may be heard by a council of conciliation; two or more unions or employers may make joint application.

(b) If the council fails to secure a settlement, it notifies the clerk of awards, either with or without a recommendation of terms of settlement; if without a recommendation, or if either party disagrees to the recommendation, the clerk refers the dispute to the court.

(c) Disputes involving workers on the Government railways or affecting more than one industrial district may be brought before the court in the first instance by application of a union of railway employees in the one case and of any party to the dispute in the other.

Engaging in a strike or lockout by a person at the time bound by an award or industrial agreement subjects the offender to a penalty not exceeding £10 (\$48.67), if a worker, and not exceeding £500 (\$2,433.25) if an employer. Inciting, aiding, or abetting a strike or lockout under such circumstances subjects the offender, if a worker, to a penalty not exceeding £10 (\$48.67), and if a union, an employer, or any person not a worker, to a penalty not exceeding £200 (\$973.30).

Any worker in certain specified (public utility) industries engaging in a strike without having given at least 14 days' notice is subject to a penalty not exceeding £25 (\$121.66). Inciting, etc., subject to the same penalties.

Pending final disposition of any dispute by a council or the court, anything in the nature of a strike or lockout is forbidden under a penalty not exceeding £50 (\$243.33). Dismissing or suspending a worker, or the discontinuance of work by a worker at such a time, subjects to a fine not exceeding £25 (\$121.66).

PROCEDURE.

(a) A commissioner, after an application for the hearing of a dispute, may, if he thinks fit, take steps by way of conference or otherwise to procure a voluntary settlement.

(b) Councils of conciliation make inquiries and suggestions and take such other steps as they may think fit to determine the merits of the case and secure a fair and amicable settlement. If no settlement is reached, steps may be taken to secure a temporary provisional arrangement pending arbitration proceedings. The council may at any time state a case for the advice or opinion of the court of arbitration. Before transmitting a notification of inability to secure a settlement, the council may, if it thinks fit and has reached a unanimous agreement thereto, forward to the clerk of awards a recommendation of terms of settlement, which shall be published by the clerk in such manner as may be prescribed. Partial agreements, if any, shall also be furnished the clerk.

(c) The court of arbitration, on notice through the clerk of awards of the failure of a council to secure a settlement, holds hearings and makes determinations as to disputes. The court may refer any matter before it to a board for investigation and report, and may, if it thinks fit, base its award on such report. The judge may state a case on any matter before the court for an opinion of the court of appeals on any question of law.

APPLICATIONS FOR THE HEARING OF DISPUTES.

(a) Must state the name of the applicant and of all parties desired to be made responsible.

(b) Must give a general statement of the nature of the dispute and a detailed statement of the claims made against the respondents.

(c) Must state the number and give the names of the assessors (not more than three) to be the representatives of the applicants on the council of conciliation.

Two or more industrial unions or associations, or two or more employers, may unite in making an application.

Persons named as assessors must be or have been bona fide employers or workers in the industry or one of the industries affected by the dispute, or a member of an organization which is a party.

DUTIES AND POWERS OF COUNCILS OF CONCILIATION.

(a) To endeavor to bring about settlements by expeditious inquiry into the dispute and all matters affecting its merits and right adjustment and to do all things deemed by it right and proper to secure such ends.

(b) To summon witnesses, administer oaths, and require the production of books and papers, but not so as to require evidence as to trade secrets, profits and losses, or produce books kept in connection with the business of the witness.

(c) To enter and inspect, in person or by appointee, any factory, workshop, mine, vessel, or place or premises of any kind where work is being done or has been done, or any matter is taking or has taken place that is the subject of a reference to the council, and to interrogate any person in or about the same, or inspect any material or thing involved in the dispute.

(d) To direct that parties be joined or struck out, errors be waived or amended, and to give such directions as are deemed expedient in the premises.

(e) To take into custody any person guilty of contempt of the council.

(f) To endeavor, where no settlement is reached, to secure a temporary working basis, pending arbitration.

Where a recommendation of terms of settlement is made before notification of failure to secure a settlement, the council may include a statement of opinion as to whether the failure was due to the unreasonableness or unfairness of any of the parties. Notification of the failure to reach a settlement must be delivered to the clerk of award for the district not later than two months after the date of the hearing by the council.

Employers may appear in person or by appointed agents; unions or associations may appear by their chairmen or secretaries or by not more than three persons properly appointed thereto; but no barrister or solicitor may appear for any party under power of attorney or otherwise.

Hearings may be public or private, and procedure is entirely within the discretion of the council. It is not bound by the legal rules of evidence, and may hear only such addresses or evidence as it deems necessary or desirable.

If any party is absent or without a representative without good cause shown, hearings may proceed the same as if he or it were present or represented.

DUTIES AND POWERS OF THE COURT OF ARBITRATION.

(a) To ascertain whether all persons who ought to be bound by its award have been cited to attend.

(b) To summon witnesses, administer oaths, require the production of books, papers, etc., and to admit such evidence as in equity and good conscience it thinks fit, whether it is legal evidence or not; any party to a proceeding may be summoned as a witness.

(c) To refer any matters to a board of investigation, and it may base its award on the report of such board.

(d) To appoint experts in its discretion, and on the recommendation of the parties, to sit with the court for the determination of technical questions only.

(e) To join or strike out parties, amend or waive errors or defects, dismiss trivial or frivolous cases, award costs (but not so as to include costs of barristers, solicitors, or agents), make rules for the regulation of practice or procedure, hold for contempt, and generally give such directions as it may deem necessary or expedient.

(f) To enter and inspect premises, etc. (Same as for councils of conciliation.)

(g) To make awards, fix their terms (not more than three years), specify the parties, districts, and industries affected by them, determine what shall constitute a breach, and may amend or extend the same where circumstances are shown to warrant such action; the court may also refuse to make an award if for any reason it considers that an award ought not to be made.

Any party may appear before the court in person or by agent, or, with the consent of all the parties, by barrister or solicitor.

Proceedings shall, as a rule, be in public, but may on occasion be in private, as the court may determine.

If any party is absent or without representation without good cause shown, the court may proceed the same as if he or it were present or represented.

DUTIES AND POWERS OF BOARDS OF INVESTIGATION.

To investigate and report on any matter referred to them by the court of arbitration.

DUTIES AND POWERS OF THE REGISTRAR OF INDUSTRIAL UNIONS.

To keep a register of such societies (of not less than 3 members in the case of employers, and not less than 15 members in the case of workers) as may

comply with the regulations governing the formation of industrial unions or associations, so as to become eligible as parties under this act. Registration constitutes the society a body corporate, but only for the purposes of this act.

The registrar may at any time state a case for the advice and opinion of the court as to any matter connected with the performance of his duties.

DUTIES AND POWERS OF DISTRICT CLERKS OF AWARDS.

(a) To receive notifications of unsettled disputes from councils of conciliation, receive and publish recommendations for settlement, receive and keep open for inspection awards of arbitration made by the court, and perform such other duties as the governor may prescribe.

(b) To give the parties to a dispute notice of any recommendation filed by a council of conciliation, and require them, if they disagree thereto, to give notice of such disagreement within one month, with reasons if they desire to give reasons; if such notice is not given, the recommendations shall, on seven days' notice, become enforceable as an agreement.

(c) If disagreement is signified, to refer the dispute to the court for settlement.

(d) To act as registrar if there be none or if he is absent.

DUTIES AND POWERS OF INSPECTORS OF AWARDS.

Inspectors under the factories and mines acts are charged with the duty of seeing that the provisions of any industrial agreement, award, or order of the court affecting subjects under their supervision are duly observed.

AWARDS.

(a) Shall be framed to best express the decision of the court, without technicality where possible, and shall specify the term and scope of the award, stating clearly what each party affected is to do or not to do.

(b) Shall be in force until a new award is made, unless by reason of the cancellation of the registration of an industrial union of workers.

(c) May be amended or extended to include other unions or localities for cause shown during the term of their existence.

(d) Certified copies shall be evidence in all legal and other proceedings involving their construction or application without proof of conditions precedent.

APPEALS.

No provision for appeals appears other than in the provision authorizing the judge of the court of arbitration to submit questions of law to the court of appeals.

ENFORCEMENT.

Breaches of awards committed by industrial unions or by an employer subject the offender to a penalty not exceeding £100 (\$486.65) for each offense; if by a worker, to a penalty not exceeding £5 (\$24.33). Subject to exemption laws, wages may be attached to collect penalties.

Members of unions are personally liable in case a judgment against the union is unsatisfied, but not in larger amounts per capita than £5 (\$24.33).

Laws of Other Australasian Countries.

WESTERN AUSTRALIA.

The laws of other Australasian countries are similar to those of the Commonwealth of Australia and New Zealand.

In Western Australia the court of arbitration consists of a judge of the supreme court and two members nominated as representative of employers and workers, respectively, all appointments being made by

the governor. No provision is made for local or inferior tribunals, but matters come directly before this court, either in the first instance or after a conference called by the president of the court has failed to secure an amicable agreement between the parties.

Under an act passed in 1902 relating to the settlement of industrial disputes by conciliation and arbitration, any association or society of Government railway workers is authorized to register under the act as an industrial union of workers.

Provision is made in this act for the appointment of district and special conciliation boards, but the main tribunal is the court of arbitration. Other than the president, the members hold office for three years. The decisions liable to enforcement under the act, as it has in practice worked, are either (1) the awards of the courts or (2) industrial agreements filed and registered under the act. Awards and agreements are for the terms specified, but not exceeding three years.

The act declares in substance that any person who instigates or takes part in doing any matter in the nature of a strike or lockout, or suspends or discontinues employment or work in any industry before a reasonable time has elapsed for a reference of the dispute to the board or court or during the pendency of its proceedings shall, upon conviction, be liable to a penalty not exceeding £50.

VICTORIA.

The laws of the State of Victoria, with one slight exception introduced in the factories and shops amending act of 1907, although comprising a long series of acts dealing, among other things, with the system of wage regulation through the "special" or wages boards, first adopted in 1896, deal only indirectly with the question of strikes and lockouts. The primary object of these acts in as far as they refer to the wages boards is not to prevent active dispute, but to insure for the various trades concerned the observance of such conditions as regards wages, hours, and other related matters as may be laid down. In the case of any organized trade for which a wages board has been established the task of the board, especially when determinations—as in some cases frequently happens—are revised, may correspond closely to that of "compulsory conciliation," but even in trades subject to this form of regulation strikes or lockouts are not illegal under the act.

RAILWAY EMPLOYEES STRIKE ACT OF 1903.

This act was passed as a remedial rather than as a preventive measure. It provided no administrative machinery intended to be permanent for the regulation of specified industrial matters. It was, on the other hand, a temporary measure giving power to impose certain penalties for acts already committed, and in these respects combined it probably has no counterpart in the industrial legislation of Australia.

QUEENSLAND.

Queensland passed a brief act in 1892 to make provision for the establishment of courts of conciliation. No restrictions on the freedom of resort to strike or lockout are imposed in this act.

Like South Australia and Tasmania, Queensland has recently adopted, through the wages boards act of 1908, the Victorian system of wages boards. As in South Australia, industrial agreements may be ratified in trades or businesses where no boards exist, and when thus ratified have the same force as wages board determinations.

The law of Queensland is administered by an industrial court, consisting of a judge appointed by the governor in council. Local industrial boards are created on the application of prescribed numbers of employers or employees, but only on the recommendation of the court. The court has jurisdiction over certain classes of disputes directly, and over others by way of appeal from the awards of the industrial boards. It may also take over any case where it appears that a board is causing unnecessary or willful delay.

The clauses dealing with strikes and lockouts adopted in the corresponding South Australian and Tasmanian acts are omitted from the Queensland act.

SOUTH AUSTRALIA.

Apart from the clauses prohibiting strikes or lockouts in respect to those trades for which wages boards have been formed and in connection with the determinations of such boards, or the terms of industrial agreements to which the force of determinations has been given, South Australia had until 1912 no law restrictive of the right of resort to either of these weapons of industrial conflict. True, the conciliation act of 1894 was the first act passed in Australia in which the compulsory reference of industrial disputes to a legal tribunal was recognized, but though the principles embodied in this measure have assumed considerable importance as a fresh departure in industrial legislation, the act itself proved abortive.

Beginning with 1900 South Australia adopted the Victorian plan of wages boards (p. 210) in its factories acts. These contain provisions for the enforcement of the decisions of wages boards, prohibiting lockouts and strikes on account of any matter in respect of which a board has made a determination, under penalties of fine or imprisonment.

The industrial arbitration act of 1912 applies to all industries except agriculture, establishing an industrial court as its chief administrative agency; the president is a judge of the supreme court, or a person eligible therefor, and is appointed by the governor. Two assessors appointed by the president on the nomination of the parties, or in the absence of nominations, by his own action, may sit with him in the adjudication of disputes. Industrial agreements voluntarily made and agreements arrived at after hearings are binding the same as awards, and like them are in effect for terms not exceeding three years. The court acts either on the application of a party or on its own motion, though awards may be varied or reopened only on application.

Strikes and lockouts are prohibited under identical penalties affecting organizations and individuals alike, the penalty being £500 (\$2,433.25), or imprisonment for not over three months; inducing subjects to a penalty of £20 (\$97.33) or imprisonment as above.

NEW SOUTH WALES.

The legislation in New South Wales aiming at the regulation of industrial disputes dates from 1892, when an act was passed providing for the appointment of district and special councils of conciliation and of a single council of arbitration. Reference to the tribunals for which provision was made and the acceptance of recommendations and awards were optional. The act contained no reference to strikes and lockouts, and very few cases were decided under it.

In 1899 an act "to make provision for the prevention and settlement of trade disputes" was passed, the most distinctive power conferred "failing amicable settlement" being that of "public enquiry." Such inquiry was to be conducted by a judge of the supreme or district courts or the president of the land court. Provision was made for the compulsory attendance of witnesses and the right of entry for the purpose of investigation, but no steps that were to follow on the inquiry itself were indicated.

The next legislative step was the industrial arbitration act of 1901. This act owed its inception partly to a labor demand that had made itself felt for some years and partly to what was regarded as the great success of the corresponding measure of New Zealand. The act of 1901 lapsed automatically on June 30, 1908, when its place was taken by the industrial disputes act of that year.

The present law bears date of 1912, and is similar to that of the Commonwealth and of Queensland in that there are both an industrial court (which is a superior court and a court of record), and industrial boards for groups of industries or callings, awards by the latter being subject to amendment, variation, or rescission by the court.

TASMANIA.

In Tasmania, the last Australian State to adopt legislation regulating wages and cognate matters, the act in force is the wages boards act of 1910, and with reference to strikes, lockouts, and proceedings, provisions identical with those contained in the South Australian act have been adopted. (Secs. 54, 55, and 60.)

Procedure is regulated in the following section:

All informations for offenses against the provisions of this act or the regulations and all penalties or fines imposed under the provisions of this act or the regulations may be summarily heard, determined, and recovered by and before a police magistrate or any two or more justices in the mode prescribed by the "magistrates summary procedure act." (Sec. 62.)

Provisions for appeal are contained in section 63.

The statute of Tasmania hardly falls with strict propriety under the head of an arbitration law, its title being "An act to make provisions for wages boards." There is no central or supervisory authority, but determinations may be suspended by order of the governor, who also appoints the boards, the board then to review its action, and either amend or affirm the same. Appeals lie to the supreme court. No provision is made for conciliation, but the law is somewhat connected with the subject under consideration by reason of the fact that it forbids strikes and lockouts on account of matters passed upon by a wage board.

**XI. COMPARATIVE ANALYSIS OF AUSTRALASIAN TRIBUNALS FOR
THE REGULATION OF WAGES.**

A comparative analysis of the different tribunals and the leading features of the laws which have been established to regulate wages and working conditions of wage earners in Australasia is set forth in the pages immediately following. The statement is arranged according to countries.¹

¹ Official Year Book of the Commonwealth of Australia.

Tribunals for the regulation of wages in trades in Australia, 1914.

Particulars.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Commonwealth.
Name of acts.....	Industrial arbitration act, 1912.	Factories and shops act, 1912 (2) and 1914.	Industrial peace act, 1912.	The factories acts, 1907, 1908 and 1910; industrial arbitration act, 1912.	Industrial arbitration act, 1912.	Wages boards acts, 1910 and 1911.	Conciliation and arbitration act, 1904-1914; arbitration (public service) act, 1911.
Nature of tribunals.	Court of industrial arbitration; industrial boards.	Court of industrial appeals; wages boards.	Industrial court; industrial boards.	Industrial arbitration act, 1912; wages boards.	Arbitration court.	Unlimited.....	Court of conciliation and arbitration.
How tribunals are brought into existence.	These courts are constituted by act; industrial boards, by the minister, on recommendation of industrial court.	Court constituted by acts; wages boards by governor in council on resolution of Parliament.	Industrial court constituted by the act; industrial boards, by governor in council on recommendation of court.	Court constituted by act of 1912; wages boards by governor in council pursuant to resolutions of Parliament.	Constituted by the act.	For the clothing trade, by the act; for other trades, by a resolution of Parliament.	Court of record constituted by the act.
Scope of acts.....	To industrial groups named in schedule to act, and to those added by proclamation; includes government servants, but not seamen.	To any process, trade, business, or occupation specified in a resolution; government servants are not included.	To callings specified in schedule to act, and to those added by governor in council.	To processes, trades, etc. specified in act, and such others as may be authorized by Parliament.	All industrial occupations.	All trades, or groups or parts thereof.	Industrial disputes extending beyond limits of any one State or in Federal Capital or northern Territories.
How a trade is brought under review.	Referenced by court by minister or by application to the board by employers or employees.	Usually by petition to minister.	By petitions and representations to industrial registrar.	Court matters or disputes submitted by minister, registrar, employers or employees or by report of wages board; petitions, etc.	Industrial disputes referred by president or by an industrial union or association.	By application of parties.	Industrial disputes certified by registrar, authorized by organization, referred by a State industrial authority or by president after holding abortive compulsory conference.
President or chairman of tribunal.	Appointed by minister on recommendation of court.	Appointed by governor in council on nomination of board, or falling that, on nomination by minister.	Any person elected by board; if none elected, appointment of board, or failing nomination, a stipendiary magistrate.	Court president; wages board appointed by governor on nomination of board or failing nomination a stipendiary magistrate.	A judge of the supreme court.	Any person elected by the board; if none elected, appointment by the governor in council.	President.
Number of members of tribunal.	Chairman, and 2 others.	Not exceeding 11 (including chairman).	Not less than 5 nor more than 13 (including chairman).	Court president only; wages board not less than 5 nor more than 11 (inclusive of chairman).	Three, including president.	Chairman and not less than 4 nor more than 10.	President only.

How ordinary members are appointed.	Appointed by minister on recommendation of industrial court.	Nominated by minister, but if one-fifth of employers or employees object, representatives are elected by them.	By employers and employees, respectively.	By governor on nomination of employers and employees respectively.	Appointed by governor, President directly and one each on recommendation of unions of employers and workers, respectively.	By governor in council on nomination by employers and employees.	President appointed by governor general from justices of high court for a term of 7 years.
Decisions, how enforced.	By registrar and industrial magistrate.	By factories department in courts of petty sessions before police magistrates.	By inspectors of factories and shops, department of labor.	By factories department.	By arbitration court on complaint of any party to the award, or registrar or an industrial inspector.	By department of public health.	By proceedings instituted by registrar, or by any organization affected, or a member thereof.
Duration of decision.	For period fixed by tribunal, but not more than 3 years.	Until altered by board or court of industrial appeals.	12 months, and thereafter until altered by board or court.	Until altered by board or by order of industrial court.	For period fixed by court, not exceeding 3 years, or for 1 year and thenceforward from year to year until 30 days' notice given.	Until altered by board.	For period fixed by award not exceeding 5 years.
Appeal against decision.	To industrial court against decision of boards.	To the court of industrial appeals.	To industrial court.	Industrial court.	No appeal except against imprisonment or a fine exceeding £20.	To supreme court.	No appeal; case may be stated by president for opinion of high court.
Is suspension of decision possible pending appeal.	No; except by temporary variation of award by the court.	Yes; for not more than 12 months.	Yes; for not more than 3 months.	Yes.	No suspension; Court has power to revise an award after the expiration of 12 months from its date.	Yes.	No appeal.
Can preference to unionists be declared.	Yes.	No.	No.	No.	No.	No.	Yes; ordinarily optional, but mandatory if in opinion of court preference is necessary for maintenance of industrial peace or welfare of society.

Tribunals for the regulation of wages in trade in Australia, 1914—Continued.

Particulars.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Commonwealth.
Provision against strikes and lockouts.	Strikes, penalty £50; registration as industrial union, and preference to unionists canceled; lockouts, penalty £1,000, and registration as industrial union canceled.	Determination may be suspended by governor in council for any period not exceeding 12 months.	Strikes £50, lockouts £1,000, unless notice of intention given to registrar, and secret ballot taken in favor. In the case of public utilities, compulsory conference also must have proved abortive.	Penalty £500, or imprisonment 3 months.	Employer or industrial union, £100; other cases, £10.	Organizations, £500; individuals, £20.	Penalty, £1,000.
Special provisions for conciliation.	Special commissioner; 3 conciliators for colliery districts; registered agreements.	None.....	Compulsory conference; registered agreements.	Compulsory conference in industrial court; registered agreements.	Compulsory conference; registered agreements.	None.....	Compulsory conference; court may temporarily refer to conciliation committee; registered agreements.

XII. OPERATION OF AUSTRALASIAN LEGISLATION.

The following tables set forth the industrial disputes which have occurred in Australia, the number of wage earners involved, and the estimated losses in working days and wages during the years 1913 and 1914;¹

Industrial disputes in the Commonwealth, classified according to industrial groups, 1913 and 1914.

Industrial groups.	Number of disputes.		Number of work people involved in disputes.		Number of working days lost.		Total estimated loss in wages.	
	1913	1914	1913	1914	1913	1914	1913	1914
I. Wood, furniture, timber, etc...	4	5	105	556	1,612	3,086	£652	£1,345
II. Engineering, metal works, etc.	11	29	585	8,039	11,689	114,635	5,423	60,249
III. Food, drink, etc.	7	9	1,263	2,670	16,330	61,696	7,903	27,020
IV. Clothing, hats, boots, etc.	4	1	483	54	2,352	25	1,048	5
V. Books, printing, etc.	1	3	8	163	384	2,212	185	1,078
VI. Other manufacturing	10	14	2,731	1,535	29,017	14,184	11,492	6,764
VII. Building	10	16	232	4,321	2,303	140,881	1,171	72,735
VIII. Mines, quarries, etc.	103	186	33,537	48,785	389,854	582,967	182,724	293,722
IX. Rail and tramway services	16	23	6,343	1,994	81,806	44,791	43,216	24,720
X. Other land transport	2	6	428	580	2,120	2,612	1,037	1,176
XI. Shipping, wharf labor	18	11	2,278	682	37,108	8,783	16,752	4,282
XII. Pastoral, agricultural, etc.	4	5	515	359	840	6,942	334	2,815
XIII. Domestic, hotel, etc.	1	1	25	48	75	73	36	22
XIV. Miscellaneous	17	28	1,750	1,263	47,045	10,266	16,128	4,542
Commonwealth, all groups.	208	337	50,283	71,049	622,535	993,153	288,101	500,475

Industrial disputes in each State and Territory—Comparative particulars for 1913 and 1914.

Particulars.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Federal Capital Territory.	North Territory.	Commonwealth.
Number of disputes:									
1914.	235	44	18	13	18	6	1	2	337
1913.	134	29	17	9	9	8	1	1	208
Number of workpeople involved:									
1914.	56,281	7,051	1,688	1,191	4,409	313	50	68	71,049
1913.	40,011	6,177	2,006	288	967	464	200	170	50,283
Number of working days lost:									
1914.	727,726	93,932	27,857	15,275	124,175	3,286	350	552	993,153
1913.	447,979	77,587	77,178	2,412	12,492	987	1,400	2,500	622,535
Total estimated loss in wages:									
1914.	£363,326	£43,747	£13,176	£7,697	£70,552	£1,459	£170	£348	£500,475
1913.	£208,468	£32,596	£37,684	£1,029	£5,615	£434	£600	£1,675	£288,101

¹ Official Yearbooks of the Commonwealths of Australia and New Zealand.

Boards authorized and constituted, awards, determinations, and agreements in force Dec. 31, 1914.

Particulars.	Commonwealth.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Total.
1. Boards authorized, constituted, and in force:								
Number of boards authorized.....		¹ 230	139	101	56		27	553
Number of boards constituted.....		¹ 238	135	94	51		26	544
Number of boards dissolved or superseded ²		² 21	² 1	² 1				23
Number of boards in existence at the end of 1914.....		¹ 217	134	94	51		26	522
2. Boards which have made awards or determinations:								
Number of boards which had made or varied awards or determinations.....		186	129	93	47		23	478
Number of boards which had not made any award or determination.....		31	5	1	4		3	44
3. Number of awards and determinations in force ³	18	242	133	⁴ 89	⁵ 55	⁶ 18	26	⁷ 576
4. Scope of State awards and determinations:								
Number applying to the whole State.....		17	10	4			19	50
Number applying to metropolitan area only.....		63		30	54	8	1	156
Number applying to metropolitan and country towns.....		41	109	12			6	168
Number applying to country areas.....		121	14	43	1	5		184
5. Number of commonwealth awards in force in each State.....		16	17	15	15	8	12	
6. Industrial agreements in force.....	179	82		10	17	85		373
7. Number of commonwealth agreements in force in each State.....		96	76	28	34	29	30	
8. Number of persons working under State awards and determinations (estimated).....	(⁷)	(⁷)	150,000	90,000	25,000	(⁷)	(⁷)	(⁷)

¹ Excluding special demarcation boards.

² In New South Wales 21 boards were dissolved owing to alterations in the sectional arrangement of industries and callings. In Victoria 1 board was superseded by 3 boards. In Queensland, authorization for 1 board was subsequently rescinded.

³ In addition, 5 awards and determinations had been made, but had not come into operation on the 31st of December, 1914. Of that number 4 were in Queensland (including 2 which were suspended pending the hearing of appeals), and 1 in Victoria. The figures are exclusive of awards and determinations which had expired by effluxion of time, and had not been renewed on the 31st of December, 1914.

⁴ Including 1 award made by the industrial court under section 7 of the industrial peace act, 1912, for an industry not under an industrial board.

⁵ Including 7 awards made by the industrial court.

⁶ Including an industrial agreement declared by the industrial court, under section 40 of the industrial arbitration act 1912, to be a common rule for the timber industry in the southwest industrial division.

⁷ Not available.

Strikes in eastern States of Australia in 1915.

State.	Disputes.	Workers.	Days lost.
New South Wales.....	272	69,614	464,343
Victoria.....	38	6,243	64,878
Queensland.....	17	2,096	19,934
South Australia.....	15	1,483	19,877

Of 337 disputes in 1914 only 29 were settled by the machinery of State or Federal industrial acts. A majority were by private negotiation. Wage earners lost £850,000 through strikes during 1914 and 1915, according to the Commonwealth statistician. In 1915, according to the report of the secretary of labor, New Zealand had one woolen-mill strike, involving 233 operatives, and six strikes of steamship and wharf labor.

OPERATION OF THE NEW ZEALAND LAW.¹

The following statement shows in a summary form the cases which came before the arbitration court and conciliation councils of New Zealand during the fiscal year ended March 31, 1915:

	Cases.
Industrial agreements.....	34
Recommendations of conciliation councils.....	98
Awards of arbitration court.....	71
Enforcement of awards (cases conducted by labor department).....	4
Cases under the workers' compensation act.....	65

A total of 330 cases for the enforcement of awards were also brought before magistrates during the same fiscal year. For the same year the number of industrial disputes brought to the attention of the conciliation commissioners was 101. Of this number 61 were settled by mutual agreement, 23 were partly adjusted, and 17 were wholly referred to the court of arbitration. These facts are set forth in tabular form below:

Industrial disputes dealt with by conciliation commissioners and councils during the year ended Mar. 31, 1915.

District.	Total number of disputes dealt with.	Number of disputes.		
		Fully settled.	Partially settled.	Wholly referred to the arbitration court.
Northern and Taranaki.....	27	12	7	8
Wellington, Marlborough, Nelson, and Westland.....	47	33	9	5
Canterbury, Otago, and Southland.....	27	16	7	4
Total.....	101	61	23	17

As to strikes, the following is a summary of strikes in New Zealand from the inception of the industrial conciliation and arbitration act (1894) to March 31, 1915:

Number of strikes coming within scope of the act.....	53
Number of strikes outside the act.....	95
Total number of strikes.....	² 148
Number of disputes included in total which may be classed as trivial or unimportant.....	52
Men fully successful in (cases).....	27
Employers successful in (cases).....	85
Compromise effected in (cases).....	³ 33
Average duration of all strikes (trivial cases not included) (days).....	32
Total number of strikers (trivial cases not included).....	17,317
Total amount of fines inflicted on strikers.....	£1,933
Total amount collected to date.....	£1,549

Only five lockouts have occurred since the New Zealand legislation was put into operation.

¹ The data as to the operation of the New Zealand laws have been compiled from the New Zealand Year Book for 1915 and preceding years.

² Of this total, 31 strikes were of slaughtermen, consisting of two separate sympathetic disputes, one in 1906-7 and the other in 1912-13, spread over practically the whole of the Dominion. Six were within the scope of the act and 25 outside it.

³ In three other cases the employers were not involved.

XIII. TEXT OF AUSTRALASIAN LAWS.

The complete text of existing legislation in Australasian countries is given in the succeeding pages.

COMMONWEALTH OF AUSTRALIA.

THE COMMONWEALTH CONCILIATION AND ARBITRATION ACT, 1904-1915.

AN ACT Relating to conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State.

PART I.—INTRODUCTORY.**SHORT TITLE.**

SECTION 1. This act may be cited as the Commonwealth conciliation and arbitration act, 1904-1915.

OBJECTS OF ACT.

SEC. 2. The chief objects of this act are—

- I. To prevent lockouts and strikes in relation to industrial disputes.
- II. To constitute a Commonwealth court of conciliation and arbitration having jurisdiction for the prevention and settlement of industrial disputes.
- III. To provide for the exercise of the jurisdiction of the court by conciliation with a view to amicable agreement between the parties.
- IV. In default of amicable agreement between the parties, to provide for the exercise of the jurisdiction of the court by equitable award.
- V. To enable States to refer industrial disputes to the court, and to permit the working of the court and of State industrial authorities in aid of each other.
- VI. To facilitate and encourage the organization of representative bodies of employers and of employees and the submission of industrial disputes to the court by organizations, and to permit representative bodies of employers and of employees to be declared organizations for the purposes of this act.
- VII. To provide for the making and enforcement of industrial agreements between employers and employees in relation to industrial disputes.

DEFINITIONS.

SEC. 4. In this act, except where otherwise clearly intended—

“Association” means any trade or other union, or branch of any union, or any association or body composed of or representative of employers or employees, or for furthering or protecting the interests of employers or employees.

“Employer” means any employer in any industry.

“Employee” means any employee in any industry, and includes any person whose usual occupation is that of employee in any industry.

“Industrial agreement” means any industrial agreement made pursuant to this act.

“Industrial dispute” means an industrial dispute extending beyond the limits of any one State and includes—

- (I) Any dispute as to industrial matters, and
- (II) Any dispute in relation to employment in an industry carried on by or under the control of the Commonwealth or a State, or any public authority constituted under the Commonwealth or a State, and
- (III) Any threatened or impending or probable industrial dispute.

“Industrial matters” includes all matters relating to work, pay, wages, reward, hours, privileges, rights, or duties of employers or employees, or the mode, terms, and conditions of employment or nonemployment; and in particular, but without limiting the general scope of this definition, includes all matters pertaining to the relations of employers and employees, and the employment, preferential employment, dismissal, or nonemployment of any particular persons, or of persons of any particular sex or age, or being or not being members of any organization, association, or body, and any claim arising under an industrial agreement, and includes all questions of what is fair and right in

relation to any industrial matter having regard to the interests of the persons immediately concerned and of society as a whole.

"Industry" includes—

(a) Any business, trade, manufacture, undertaking, or calling of employers, on land or water.

(b) Any calling, service, employment, handicraft, or industrial occupation or avocation of employees, on land or water; and

(c) A branch of an industry and a group of industries.

"Lockout" includes the closing of a place or part of a place of employment, or the total or partial suspension of work by an employer, with a view to compel his employees, or to aid another employer in compelling his employees to accept any term or condition of employment.

"Organization" means any organization registered pursuant to this act, and so far as applicable it also includes any proclaimed organization to which the Governor General declares this act to apply.

"Registrar" means the industrial registrar or a deputy industrial registrar appointed under this act.

"Registry" includes District Registry.

"Special magistrate" means a magistrate appointed by that name under the law of a State.

"State industrial authority" means any board or court of conciliation or arbitration, or tribunal body or persons, having authority under any State act to exercise any power of conciliation or arbitration with reference to industrial disputes within the limits of the State; or any special board constituted under any State act relating to factories or such other State board or court as is prescribed.

"Strike" includes the total or partial cessation of work by employees, acting in combination, as a means of enforcing compliance with demands made by them or other employees on employers.

"The Court" means the Commonwealth Court of Conciliation and Arbitration constituted pursuant to this act.

"The president" means the president of the court.

PENALTY.

SEC. 5. When any person is convicted of an offense against any provision of this act for which a pecuniary penalty is provided, the court before which he is convicted may direct that the defendant shall not continue or repeat the offense under pain of imprisonment, and if thereafter the defendant continues or repeats the offense, he shall be liable, in addition to the pecuniary penalty for the offense, to imprisonment for any period not exceeding three months.

PART II. PROHIBITION OF LOCKOUTS AND STRIKES IN RELATION TO INDUSTRIAL DISPUTES.

PENALTY FOR LOCKOUT OR STRIKE.

SEC. 6. (1) No person or organization shall, on account of any industrial dispute, do anything in the nature of a lockout or strike, or continue any lockout or strike.

Penalty: One thousand pounds (\$4,866.50).

(2) No proceeding for any contravention of this section shall be instituted without the leave of the president.

(3) This section shall not apply to anything proved to have been done for good cause independent of the industrial dispute, but on a prosecution for any contravention of this section the onus of such proof shall lie on the defendants, and in default of such proof, and on proof of the lockout, strike, or continuation, and of the industrial dispute, the lockout, strike, or continuation shall be deemed to have been on account of the industrial dispute.

REJECTING CONDITIONS OF AWARD.

SEC. 7. Where persons, with a view to being associated as employers and employees, respectively, or representatives of such persons, have entered into an industrial agreement with respect to employment, any of such persons who, without reasonable cause or excuse, refuses or neglects to offer or accept employment upon the terms of the agreement, shall be deemed to be guilty of a lockout or strike, as the case may be.

ACTS OF ORGANIZATIONS.

SEC. 8. Any organization of employers or employees which, for the purpose of enforcing compliance with the demands of any employers or employees, orders its members to refuse to offer or accept employment, shall be deemed to be guilty of a lockout or strike, as the case may be.

DISMISSING EMPLOYEES.

SEC. 9. (1) An employer shall not dismiss an employee, or injure him in his employment, or alter his position to his prejudice, by reason of the circumstance that the employee—

(a) Is an officer or member of an organization, or of an association that has applied to be registered as an organization; or

(b) Is entitled to the benefit of an industrial agreement or award; or

(c) Has appeared as a witness or has given any evidence in a proceeding under this act.

Penalty: Fifty pounds (\$243.33).

LEAVING EMPLOYMENT.

(2) An employee shall not cease work in the service of his employer by reason of the circumstance that the employer—

(a) Is an officer or member of an organization or of an association that has applied to be registered as an organization; or

(b) Is entitled to the benefit of an industrial agreement or award; or

(c) Has appeared as a witness or has given any evidence in a proceeding under this act.

Penalty: Twenty-five pounds (\$121.66).

(3) No proceeding for an offense against this section shall be instituted without leave of the president or the registrar.

(4) In any proceeding for an offense against this section, if all the facts and circumstances constituting the offense other than the reason for the defendant's action are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.

(5) The attorney general may direct that the whole or any part of any penalty recovered under this section may be paid to the person injured by the offense.

PART III. THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

Division 1. The constitution of the court.

CONSTITUTION OF COURT.

SEC. 11. There shall be a Commonwealth court of conciliation and arbitration, which shall be a court of record, and shall consist of a president.

PRESIDENT.

SEC. 12. (1) The president shall be appointed by the Governor General from among the justices of the high court. He shall be entitled to hold office during good behavior for seven years, and shall be eligible for reappointment, and shall not be liable to removal except on addresses to the Governor General from both houses of the Parliament during one session thereof praying for his removal on the ground of proved misbehavior or incapacity.

(2) In the event of the period of office of the president expiring during the continuance of any investigation on which the court has entered, the Governor General may continue him in office for such time as may be necessary in order to enable him to take part in the completion of the matter.

TRAVELING EXPENSES OF PRESIDENT.

SEC. 13. The president shall be paid no other salary in respect of his services under this act than his salary as justice of the high court, and shall be paid such traveling expenses as are prescribed.

DEPUTY PRESIDENT.

SEC. 14. The president may, by instrument under his hand, appoint any justice of the high court or judge of the supreme court of a State, to be his deputy in any part of the Commonwealth, and in that capacity to exercise, during the pleasure of the president, such powers and functions of the President as he thinks fit to assign to such deputy; but the appointment of a deputy shall not affect the exercise by the president himself of any power or function.

SPECIAL DEPUTIES.

SEC. 14a. Whenever the president is out of the Commonwealth, or is for any reason unable to appoint a deputy, the Governor General may appoint any justice of the high court or judge of the supreme court of a State to be the deputy of the president in any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor General such powers and functions of the president as the Governor General thinks fit to assign to such deputy; but the appointment of a deputy shall not affect the exercise by the president himself of any power or function.

OATH OF PRESIDENT OR DEPUTY.

SEC. 15. The president or deputy president shall, before proceeding to discharge the duties of his office, take before a justice of the high court or a judge of the supreme court of a State an oath or affirmation in the form in schedule A.

Division 2. The jurisdiction of the president and of the court.

DUTY OF PRESIDENT.

SEC. 16. The president shall be charged with the duty of endeavoring at all times by all lawful ways and means to reconcile the parties to industrial disputes, and to prevent and settle industrial disputes, whether or not the court has cognizance of them, in all cases in which it appears to him that his mediation is desirable in the public interest.

CONFERENCES.

SEC. 16a. (1) The president may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

(1a) "Any person" in the last preceding subsection includes not only persons engaged in or connected with an industrial dispute, but also any person engaged in or connected with any dispute relating to industrial matters (whether extending beyond the limits of a State or not), and related in any way to an industrial dispute; and also includes any person, whether connected with an industrial dispute or not, whose presence at the conference the president thinks is likely to conduce to the prevention or settlement of an industrial dispute.

(2) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the president.

Penalty: Five hundred pounds (\$243.33).

(3) The conference may be held partly or wholly in public or in private, at the discretion of the president.

REVIEW OF REGISTRAR'S DECISIONS.

SEC. 17. The president may review, annul, rescind, or vary any act or decision of the registrar in any manner which he thinks fit.

COSTS.

SEC. 17a. The court or president may order any party to any application to pay to any other party such costs and expenses, including expenses of witnesses, as it or he thinks fit, but so that no costs shall be allowed for the services of any counsel, solicitor, or agent.

JURISDICTION.

SEC. 18. The court shall have jurisdiction to prevent and settle, pursuant to this act, all industrial disputes.

Division 3. Cognizance of disputes and ordinary procedure.

MATTERS COGNIZABLE.

SEC. 19. The court shall have cognizance, for purposes of prevention and settlement, of the following industrial disputes:

(a) All industrial disputes which are certified to the court by the registrar as proper to be dealt with by it in the public interest;

(b) All industrial disputes which are submitted to the court by an organization by plaint;

(c) All industrial disputes with which any State industrial authority, or the governor in council of a State in which there is no State industrial authority, requests the court to deal; and

(d) All industrial disputes as to which the president has held a conference under section 16a of this act, and as to which no agreement has been reached, and which the president has thereupon referred to the court.

PRESUMPTION AS TO PLAINT.

SEC. 19a. A plaint by which an industrial dispute is submitted to the court shall be deemed to have been submitted by the organization by which it purports to have been submitted unless evidence is given on behalf of that organization that the plaint was not in fact submitted by that organization.

DISPUTES IN STATE COURTS.

SEC. 20. If it appears to the court that any State industrial authority is dealing or about to deal with an industrial dispute, the court may in the prescribed manner direct that authority not to deal with the dispute; and thereupon the authority shall cease to proceed in the matter of the dispute, which shall be dealt with by the court.

CERTIFICATE OF REGISTRAR.

SEC. 21. A certificate by the registrar that a specified industrial dispute exists, or is threatened or impending or probable, as an industrial dispute extending beyond the limits of any one State, shall be prima facie evidence that the fact is as stated.

EXISTENCE OF A DISPUTE.

SEC. 21aa. (1) When an alleged industrial dispute is submitted to the court—

(a) In the case of a dispute submitted to the court by plaint—the complainant or respondent organization or association; and

(b) In any other case—any party to the proceeding or the registrar may apply to the high court for a decision on the question whether the dispute or any part thereof exists, or is threatened or impending or probable, as an industrial dispute extending beyond the limits of any one State or on any question of law arising in relation to the dispute or to the proceeding or to any award or order of the court.

(2) The high court shall have jurisdiction to hear and determine the question.

(3) The jurisdiction of the high court under this section may be exercised by any justice of the high court sitting in chambers.

(4) The decision of the justice on the question shall be final and conclusive, and shall not be subject to any appeal to the high court in its appellate jurisdiction, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition mandamus or injunction, in any court on any account whatever.

SEC. 21a. A certificate of the registrar that any specified persons were at any time members of any specified organization shall (subject to review by

the president under section 17 of this act) be conclusive evidence that the facts are as stated.

Sec. 21b. A list of the members and officers of an organization or association filed with the registrar on behalf of the organization or association shall be evidence that the persons named in the list were, at the date when the list was filed, members and officers of the association, and that such officers were duly appointed.

REFERENCE BY ORGANIZATION.

Sec. 22. (1) No industrial dispute shall without the approval of the president be submitted to the court by an organization unless the registrar certifies—

(a) That he is satisfied that the consent of the organization to the submission has been given in manner prescribed by the rules of the organization; or

(b) That the consent of the organization to the submission has been given by resolution of a general meeting of members convened in manner prescribed for the consideration of the question, or as the result of a poll of members of the organization on the question taken in manner prescribed, or

(c) That consent to the submission has been given in writing under the hands of a majority of the committee of management of the organization.

(2) A certificate of the registrar in accordance with paragraphs (a) or (b) or (c) of subsection (1) of this section shall be conclusive evidence of the facts stated therein.

INQUIRY BY COURT.

Sec. 23. (1) The court shall, in such manner as it thinks fit, carefully and expeditiously hear, inquire into, and investigate every industrial dispute of which it has cognizance and all matters affecting the merits of the dispute and the right settlement thereof.

CONCILIATION.

(2) In the course of such hearing, inquiry, and investigation the court shall make all such suggestions and do all such things as appear to it to be right and proper for reconciling the parties and for inducing the settlement of the dispute by amicable agreement.

AGREEMENT TO HAVE EFFECT OF AWARD.

Sec. 24. (1) If an agreement between all or any of the parties as to the whole or any part of the dispute is arrived at, a memorandum of its terms shall be made in writing and certified by the president, and the memorandum when so certified shall be filed in the office of the registrar, and unless otherwise ordered and subject as may be directed by the court shall, as between the parties to the agreement, have the same effect as, and deemed to be, an award.

AWARD IN DEFAULT OF AGREEMENT.

(2) If no agreement between the parties as to the whole of the dispute is arrived at, the court shall, by an award, determine the dispute, or (if an agreement has been arrived at as to a part of the dispute) so much of the dispute as is not settled by the agreement.

BASIS OF DECISION.

Sec. 25. In the hearing and determination of every industrial dispute and in exercising any duties or powers under or by virtue of this act the court or the president shall act according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may inform its or his mind on any matter in such manner as it or he thinks just.

PARTIES.

SEC. 26. Any organization represented before the court on the hearing and determination of an industrial dispute shall be deemed a party to the dispute.

REPRESENTATION.

SEC. 27. On the hearing or determination of any industrial dispute an organization may be represented by a member or officer, or any organization, and any party not being an organization may be represented by an employee of that party; but no party shall (except by consent of all the parties) be represented by counsel or solicitor or paid agent.

AWARDS.

SEC. 28. (1) The award shall be framed in such a manner as to best express the decision of the court and to avoid unnecessary technicality, and shall, subject to any variation ordered by the court, continue in force for a period to be specified in the award, not exceeding five years from the date of the award.

TERM.

(2) After the expiration of the period so specified the award shall, unless the court otherwise orders, continue in force until a new award has been made.

WHO BOUND.

SEC. 29. The award of the court shall be binding on—

(a) All parties to the industrial dispute who appear or are represented before the court;

(b) All parties who have been summoned to appear as parties to the dispute or required to answer the claim, whether they have appeared or answered or not, unless the court is of opinion that they were improperly made parties;

(ba) In the case of employers, any successor, or any assignee or transmittee of the business of a party bound by the award, including any corporation which has acquired or taken over the business of such a party;

(c) All organizations and persons on whom the award is at any time declared by the court to be binding as a common rule; and

(d) All members of organizations bound by the award.

RANK OF AWARDS.

SEC. 30. When a State law or an award order or determination of a State industrial authority is inconsistent with an award or order lawfully made by the court, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.

COURTS NOT OBSTRUCT.

SEC. 31. (1) No award or order of the court shall be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition, mandamus, or injunction in any other court on any account whatever.

(2) The president may, if he thinks fit, in any proceeding before the court, at any stage and upon such terms as he thinks fit, state a case in writing for the opinion of the high court upon any question arising in the proceeding which in his opinion is a question of law.

(3) The high court shall hear and determine the question, and remit the case with its opinion to the president, and may make such order as to costs as it thinks fit.

Division 4. Special powers of the court and the president.

INTERLOCUTORY MATTERS.

SEC. 32. The president, on the application of any party to an industrial dispute of which the court has cognizance, may, on summons returnable before

the president sitting in chambers, make in relation to the dispute any order which he thinks just as to—

(a) Any interlocutory proceedings to be taken before the hearing, the costs thereof, the issues to be submitted to the court, the persons and organizations to be served with notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents or of real or personal property, examination of witnesses, and the place, time, and mode of hearing; and

(b) Any matter which by rule of court the president is empowered to hear when sitting in chambers.

SECURITY ON REFERENCE.

SEC. 33. (1) The president may at any time require, from any organization submitting any industrial dispute to the court, security to his satisfaction or to the satisfaction of the registrar for the performance of the award, and in default of such security may stay the proceedings.

(2) No such security shall exceed two hundred pounds (\$973.30).

REFERENCE TO CONCILIATION COMMITTEE.

SEC. 34. The court may temporarily refer any matters before it to a conciliation committee consisting of an equal number of representatives of employers and employees, who shall endeavor to reconcile the parties.

ASSESSORS.

SEC. 35. (1) The court shall on the application of any original party to an industrial dispute, and may without such application, at any stage of the dispute appoint two assessors for the purpose of advising it in relation to the dispute, and the assessors shall discharge such duties as are directed by the court or as are prescribed.

(2) One of the assessors shall be a person nominated by such of the parties to the dispute as, in the opinion of the court, have interests in common with the employers, and the other shall be a person nominated by such of the parties to the dispute as, in the opinion of the court, have interests in common with the employees.

(3) If default is made in nominating either or both of the assessors as required by the court, or if the parties consent, the court may appoint an assessor or assessors without any nomination.

REFERENCE TO LOCAL BOARD.

SEC. 36. (1) The court may refer any industrial dispute of which it has cognizance, or any matter arising out of the dispute, to a local industrial board for investigation and report, and may delegate to that board such of its powers, including all powers of the court in relation to conciliation and the settlement of the dispute by amicable agreement, as it deems desirable. A local industrial board may be—

(a) Any State industrial authority willing to act; or

(b) Any local board constituted as prescribed or as directed by the court, and consisting of equal numbers of representatives of employers and of employees and a chairman who shall be a justice of the high court or a judge of the supreme court of a State.

(2) On the report of the local industrial board the court may, with or without hearing further evidence or argument or both, decide the dispute and make its award.

PROCURING EVIDENCE.

SEC. 37. The court may issue an order to any person to take evidence on its behalf in relation to any industrial dispute of which it has cognizance, and that person shall have all the powers of the court in relation to the summoning of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation.

GENERAL POWERS OF COURT.

SEC. 38. The court shall, as regards every industrial dispute of which it has cognizance, have power—

- (a) To hear and determine the dispute in manner prescribed;
- (b) To make any order or award or give any direction in pursuance of the hearing or determination;
- (c) To fix maximum penalties for any breach or nonobservance of any term of an order or award, not exceeding one thousand pounds (\$4,866.50) in the case of an organization or an employer, not being a member of an organization bound by the order or award, or ten pounds (\$48.67) in the case of any individual member of an organization: *Provided*, That in the case of members of an organization of employers consisting of less than 100 members, the maximum penalty may be fixed at any sum not exceeding such sum as would, when multiplied by the number of members, amount to one thousand pounds (\$4,866.50);
- (d) To impose penalties, not exceeding the maximum penalties fixed (or, if maximum penalties have not been fixed, not exceeding the maximum penalties which could have been fixed) under the last preceding paragraph, for any breach or nonobservance of any term of an order or award proved to the satisfaction of the court to have been committed;
- (da) To order compliance with any term of an order or award proved to the satisfaction of the court to have been broken or not observed;
- (e) To enjoin any organization or person from committing or continuing any contravention of this act;
- (f) To declare, by any award or order, that any practice, regulation, rule, custom, term of agreement, condition of employment or dealing whatsoever determined by an award in relation to any industrial matter shall be a common rule of any industry in connection with which the dispute arises: *Provided*, That the court, before declaring a common rule, shall pay due regard to the extent to which the industries or the persons affected enter or are likely to enter into competition with one another: *Provided also*, That before any common rule is so declared the president shall by notification published in the Gazette and in such other publications, if any, as the court directs, specifying the industry and the industrial matter in relation to which it is proposed to declare a common rule, make known that all persons and organizations interested and desirous of being heard may, on or before a day named, appear or be represented before the court; and the court shall in manner prescribed hear all such persons and organizations so appearing or represented;
- (g) To direct with due regard to local circumstances within what limits of area, if any, and subject to what conditions and exceptions, the common rule so declared shall be binding upon the persons engaged in the industry whether as employers or employees, and whether members of an organization or not;
- (h) To dismiss any matter or part of a matter or refrain from further hearing or from determining the dispute or part of the dispute if it appears that the dispute or part is trivial, or has been dealt with, or is being dealt with, or is proper to be dealt with by a State industrial authority, or that further proceedings by the court are not necessary or desirable in the public interest;
- (i) To order any party to the dispute to pay to any other party such costs and expenses, including expenses of witnesses, as are specified in the order, but so that no costs shall be allowed for the services of any counsel, solicitor, or agent;
- (j) To proceed to hear and determine the dispute in the absence of any party thereto who has been summoned or served with notice to appear therein;
- (k) To sit in any place for the hearing and determination of the dispute;
- (l) To conduct its proceedings or any part thereof in private;
- (m) To adjourn its sittings to any time and place;
- (n) To refer any technical matters or matters of account to an expert, and to accept his report as evidence;
- (o) To vary its orders and awards and to reopen any question;
- (p) To direct parties to be joined or struck out;
- (q) To correct, amend, or waive any error, defect, or irregularity, whether in substance or in form;
- (r) To extend any prescribed time;
- (s) To summon before it the parties to the dispute, and witnesses, and to compel the production before it of books, documents, and things for the purpose of reference to such entries or matters only as relate to the dispute;

- (t) To take evidence on oath or affirmation; and
- (u) Generally to give all such directions and do all such things as it deems necessary or expedient in the premises.

AMENDMENT OF PROCEEDINGS.

SEC. 38a. The court may, at any time before the determination of an industrial dispute of which it has cognizance, allow the amendment, on such terms as it thinks fit, of the plaint or of any subsequent proceeding.

SCOPE OF RELIEF.

SEC. 38b. In making an award or order, the court shall not be restricted to the specific relief claimed by the parties to the industrial dispute, or to the demands made by the parties in the course of the dispute, but may include in the award or order any matter or thing which the court thinks necessary or expedient for the purpose of preventing or settling the dispute or of preventing further industrial disputes.

VOLUNTARY PROCEEDINGS.

SEC. 39. The court may exercise any of its powers on its own motion or on the application of any party to the industrial dispute, or of any organization or person bound by the award of the court; but no order or award shall be varied and no submission shall be reopened except on the application of an organization or person affected or aggrieved by the order or award.

SEC. 40. (1) The court, by its award, or by order made on the application of any organization or person bound by the award, may—

PREFERENCES IN EMPLOYMENT.

(a) Direct that, as between members of organizations of employers or employees and other persons (not being sons or daughters of employers) offering or desiring service or employment at the same time, preference shall, in such manner as is specified in the award or order, be given to such members, other things being equal; and

MINIMUM WAGE.

(b) Prescribe a minimum rate of wages or remuneration (in which case the court shall, on the application of any party to the industrial dispute, or of any organization or person bound by the award), make provision for fixing, in such manner and subject to such conditions as are specified in the award or order, a lower rate in the case of employees who are unable to earn the minimum wage so prescribed.

PREFERENTIAL SHOP.

(2) Whenever, in the opinion of the court, it is necessary, for the prevention or settlement of the industrial dispute, or for the maintenance of industrial peace, or for the welfare of society, to direct that preference shall be given to members of organizations as in paragraph (a) of subsection (1) of this section provided, the court shall so direct.

BOARD OF REFERENCE.

SEC. 40a. The court, by its award, or by order made on the application of any organization or person bound by the award, may—

(a) Appoint, or give power to appoint, for the purposes of the award, a board of reference consisting of one or more persons; and

(b) Assign to the board of reference the function of allowing, approving, fixing, determining, or dealing with, in the manner and subject to the conditions specified in the award or order, any specified matters or things which under the award or order may require from time to time to be allowed, approved, fixed, determined, or dealt with by the board.

POWER OF INSPECTION.

SEC. 41. The president and every person authorized in writing by the president or registrar may at any time during working hours enter any building, mine, mine working, ship, vessel, place, or premises of any kind wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute is pending, or any award has been made, or any offense against this act is suspected, and may, to the extent and for the purposes named in the authority, inspect and view any work, material, machinery, appliances, or article therein.

OBSTRUCTING COURT.

SEC. 42. No person shall hinder or obstruct the president or any person authorized as aforesaid in the exercise of any power conferred by the last preceding section.

Penalty: Ten pounds.

RULES.

SEC. 43. (1) The president may, subject to the approval of the Governor General, make rules not inconsistent with this act or the regulations—

- (a) For regulating the practice and procedure of the court; and
- (b) For prescribing the duties of the industrial registrar, the deputy industrial registrars, and any other officers of the court.
- (2) Subject to this act and to the rules, the practice and procedure of the court, and the duties of the industrial registrar, the deputy industrial registrars and other officers of the court shall be as directed by the president.
- (3) All such rules shall—
 - (a) Be notified in the Gazette;
 - (b) Take effect from the date of notification or from a later date specified in the rules; and
 - (c) Be laid before both houses of the Parliament within thirty days of the making thereof or, if the Parliament is not then sitting, within thirty days after the next meeting of the Parliament.
- (4) If either house of the Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such rules have been laid before such house disallowing any rule, such rule shall thereupon cease to have effect.

PART IV. THE ENFORCEMENT OF ORDERS AND AWARDS.

RECOVERY OF PENALTIES.

SEC. 44. (1) Where any organization or person bound by an order or award has committed any breach or nonobservance of any term of the order or award any penalties which the court has power to impose may be imposed by any court of summary jurisdiction constituted by a police stipendiary or special magistrate.

- (2) Any such penalty may be sued for and recovered by—
 - (a) The registrar; or
 - (b) Any organization which is affected, or whose members or any of them are affected, by the breach or nonobservance; or
 - (c) Any member of any organization who is affected by the breach or nonobservance.

APPLICATION OF RECOVERIES.

SEC. 45. Where the court, or any court of summary jurisdiction, imposes any penalty for any breach or nonobservance of any term of an order or award, it may order that the penalty, or any part thereof, be paid into the consolidated revenue fund, or to such organization or person as is specified in the order.

COLLECTION AS FINAL JUDGMENT.

SEC. 46. Where the court has imposed a penalty for a breach or nonobservance of any term of an order or award, or has ordered the payment of any costs or expenses, a certificate under the hand of the registrar, specifying the amount

payable and the organizations and persons by and to whom respectively it is payable, may be filed in any Federal or State court having civil jurisdiction to the extent of that amount, and shall thereupon be enforceable in all respects as a final judgment of that court: *Provided*, That where there are two or more creditors under any such certificate, process may be issued separately by each creditor for the enforcement of the certificate as if there were separate and distinct judgments.

PROPERTY OF UNIONS.

SEC. 47. (1) For the purpose of enforcing compliance with any order or award, process may be issued and executed against the property of any organization or in which any organization has a beneficial interest, whether vested in trustees or howsoever otherwise held, in the same manner as if the organization were an incorporated company and the absolute owner of the property or interest.

(2) The property of an organization shall be deemed to include the property of any association forming, or forming part of, the organization, or in which any such association has a beneficial interest, whether vested in trustees or howsoever otherwise held.

(3) Where the property of an organization on execution is insufficient to satisfy fully any process for enforcing any order or award, the members of the organization shall, to the extent of the maximum penalties defined in paragraph (c) of section 38, be liable for the deficiency.

MANDAMUS OR INJUNCTION.

SEC. 48. The court may, on the application of any party to an award, make an order in the nature of a mandamus or injunction to compel compliance with the award or to restrain its breach under pain of fine or imprisonment, and no person to whom such order applies shall, after written notice of the order, be guilty of any contravention of the award by act or omission. In this section the term "award" includes "order."

Penalty: One hundred pounds (\$486.65) or three months' imprisonment.

ENFORCEMENT OF AWARD.

SEC. 49. No person shall willfully make default in compliance with any order or award.

Penalty: Twenty pounds (\$97.33).

FORFEITURES.

SEC. 50. Any person adjudged to be guilty of any contravention of Part II of this act or of willful default in compliance with any award shall, if the court in its discretion so orders, in addition to any penalty imposed for the offense, be and continue subject to any or all of the following disabilities:

(a) He shall not be entitled to any rights, privileges, benefits, or advantages under this act, and this act shall, so far as any such rights, privileges, benefits, or advantages are concerned, cease to apply to him.

(b) He shall cease to be a member or officer of any organization, or of any association which is, or is part of, any organization, and shall not be qualified to become a member or officer of any organization or of any such association.

(c) He shall lose all existing or accruing rights to any payment out of the funds of any organization, or of any association which is, or is part of, any organization, and the receipt by him of any such payment, or the making of any such payment to him by any person or organization, or by any such association, shall be an offense under this act.

Penalty: Twenty pounds (\$97.33).

Provided, That the court may at any time in its discretion, if it appears that the contravention or willful default has been sufficiently punished, and that the effective administration of this act will not be prejudiced by the removal of the disabilities, order that the disabilities, or any of them, be removed.

PART V. ORGANIZATIONS.

Registries and registrars.

REGISTRIES.

SEC. 51. The governor general may—

- (a) Establish a principal registry for the registration of organizations.
- (b) Establish district registries for the registration of organizations.
- (c) Appoint an industrial registrar and deputy industrial registrars.

LOCATION.

SEC. 52. (1) The principal registry shall, when the seat of government is established within Federal territory, be situated at the seat of government, but until that time the principal registry shall be situated at such place as the minister directs.

(2) Each district registry shall be situated in the capital city of the State in which it is established.

REGISTRARS IN CHARGE.

SEC. 53. The principal registry shall be under the charge of the industrial registrar and each district registry shall be under the charge of a deputy registrar.

DUTIES OF REGISTRARS.

SEC. 54. (1) The industrial registrar shall keep at the principal registry a register of all organizations registered under this act and a list of all proclaimed organizations.

(2) Each deputy registrar shall keep at the registry under his charge a register of all organizations registered under this act at that registry and a list of all proclaimed organizations existing in the State.

Registered organizations.

REGISTRATION.

SEC. 55. (1) Any of the following associations or persons may, on compliance with the prescribed conditions, be registered in the manner prescribed as an organization:

(a) Any association of employers in or in connection with any industry, who have in the aggregate, or any employer who has, throughout the six months next preceding the application for registration, employed on an average taken per month not less than one hundred employees in that industry: *Provided*, That an association of employers may be registered as an organization notwithstanding that it contains in addition to employers in or in connection with the industry such other persons, whether employers in the industry or not, as have been appointed officers of the association and admitted as members thereof; and

(b) Any association of not less than one hundred employees in or in connection with any industry, together with such other persons, whether employees in the industry or not, as have been appointed officers of the association and admitted as members thereof; and

(c) Any association of not less than one hundred employees engaged in any industrial pursuit or pursuits whatever, together with such other persons, whether employees engaged in any industrial pursuit or pursuits or not, as have been appointed officers and admitted as members thereof.

(2) The conditions to be complied with by associations so applying for registration shall, until otherwise prescribed, be as set out in schedule B.

(3) Upon registration the association shall become and be an organization.

RULES.

SEC. 56. Any association applying to be registered as an organization may on application to the president obtain power to adopt and may thereupon adopt any rules to enable it to comply with the prescribed conditions as part of its

rules, and any rules adopted in pursuance of this section shall notwithstanding anything in the constitution or rule of the association, be binding on the members of the association.

CERTIFICATE.

SEC. 57. The registrar shall issue to each organization registered under this act a certificate of registration in the prescribed form, which certificate shall until proof of cancellation be conclusive evidence of the registration of the organization therein mentioned and that it has complied with the prescribed conditions to entitle it to be registered.

INCORPORATION.

SEC. 58. Every organization registered under this act shall for the purposes of this act have perpetual succession and a common seal, and may purchase, take on, leasehold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with any real or personal property.

ALTERATIONS.

SEC. 58a. An organization may, in the prescribed manner, and on compliance with the prescribed conditions, change its name or change the constitution of the organization, including the description of the industry in connection with which it is registered, and the registrar shall thereupon record the change in the register and upon the certificate of registration.

REFUSING REGISTRATION.

SEC. 59. The registrar shall, unless in all the circumstances he thinks it undesirable so to do, refuse to register any association as an organization if an organization, to which the members of the association might conveniently belong, has already been registered.

CANCELLATION.

SEC. 60. (1) If it appears to the court, on the application of any organization or person interested or of the registrar—

(a) That for any reasons the registration of an organization ought to be canceled; or

(b) That an organization has been registered erroneously or by mistake; or

(c) That the rules of a registered organization have been altered so as to no longer comply with the prescribed conditions or have not bona fide been observed; or

(d) That the rules of a registered organization or their administration do not provide reasonable facilities for the admission of new members or impose unreasonable conditions upon the continuance of their membership or are in any way tyrannical or oppressive; or

(e) That the proper authority of a registered organization willfully neglects to provide for the levying and collection of subscriptions, fees, or penalties, from members of the organization; or

(f) That the accounts of a registered organization have not been audited in pursuance of the rules, or that the accounts of the organization or of the auditor do not disclose the true financial position of the organization; or

(g) That a registered organization has willfully neglected to obey any order of the court; or

(h) That the number of the members of the organization, or of their employees, as the case may be, would not entitle them to registration under section 55,

the court may, if in its discretion it thinks fit, order the registration of the organization to be canceled, and thereupon it shall be canceled accordingly.

(1a) Where the ground of the application is a defect in the rules of the organization, the court may, if in its discretion it thinks fit, instead of ordering the registration of the organization to be canceled in the first instance, direct the organization within a specified time to alter its rules so as to bring them into conformity with the requirements of the act; and if at the expiration of the time specified the rules have not been altered accordingly, the court may

then order the registration of the organization to be canceled, and it shall be canceled accordingly.

(4) The cancellation shall not relieve the organization or any member thereof from the obligation to comply with any award or from any penalty or liability incurred prior to the cancellation.

STATUS PENDING DISPUTE.

SEC. 61. During the pendency of any dispute or matter before the court no resignation of or discharge from the membership of any such organization shall have effect.

Proclaimed organizations.

ORGANIZATIONS BY PROCLAMATION.

SEC. 62. The Governor General may, on the recommendation of the president, by proclamation declare this act to apply to any association, whether registrable under this act or not, and thereupon the association shall be deemed to be and shall become an organization for such of the purposes of this act as are directed by the proclamation or as are prescribed.

POWERS.

SEC. 63. (1) The power of adopting rules conferred by section 56 shall apply to any proclaimed organization.

(2) In default of the adoption of rules by a proclaimed organization within a prescribed time, any rules prescribed or directed by the court shall be applied to the organization.

REVOCATION.

SEC. 64. The Governor General, on the recommendation of the president, may, by proclamation, revoke any proclamation issued pursuant to section 62, and thereupon this act shall, subject to such conditions, if any, as are fixed by the proclamation, cease to apply to the association specified in the revoked proclamation.

Organizations generally.

GENERAL POWERS.

SEC. 65. Every organization shall be entitled—

- (a) To submit to the court any industrial dispute in which it is interested.
- (b) To be represented before the court in the hearing and determination of any industrial dispute in which it is interested.

POWER TO SUE.

SEC. 66. Any organization may sue or be sued for the purpose of this act in its registered or other name, and service of any notice or process on the president, chairman, or secretary, or at the registered office of the organization shall be sufficient for all purposes.

IMMUNITIES.

SEC. 67. Unless the contrary intention appears in this act, no organization or member of an organization shall be liable to be sued, or to be proceeded against for a pecuniary penalty, except in the court, for any act or omission in respect of which the court has jurisdiction.

RECOVERY OF FINES.

SEC. 68. All fines, fees, levies, or dues payable to an organization by any member thereof under its rules may, in so far as they are owing for any period of membership subsequent to the registration or proclamation of the organization, be sued for and recovered in the name of the organization in any court of summary jurisdiction constituted by a police, stipendiary, or special magistrate.

DISPUTES BETWEEN AN ORGANIZATION AND ITS MEMBERS.

Sec. 69. Every dispute between an organization and any of its members shall be decided in the manner directed by the rules of the organization; and the court, on the application of the trustees or other officers authorized to sue on behalf of or in the name of the organization, may order the payment by any member of any fine, penalty, or subscription payable in pursuance of the rules aforesaid, or any contribution to a penalty incurred or money payable by the organization under an award or order of the court; but no such contribution shall exceed the sum of ten pounds (\$48.67).

EXPULSION OF MEMBERS.

Sec. 70. The court may, on the application of any organization, made in the manner prescribed by rules of court, order that any member of an organization shall cease to be a member thereof from a date and for a period to be named in the order.

TRANSFER OF SHARES.

Sec. 71. Nothing in this act shall prevent a transfer of shares in any registered company, or in any association which is, or is part of, an organization, but no such transfer shall relieve the transferee from any liability incurred by him under this act up to the date of such transfer.

REPORTS.

Sec. 72. Each organization shall as prescribed forward to the registrar such returns of its members, accounts, and alterations of its rules as are prescribed. Penalty: Two pounds (\$9.73) per week for each week in default.

PART VI. INDUSTRIAL AGREEMENTS.

WHO MAY MAKE INDUSTRIAL AGREEMENTS.

Sec. 73. Any organization may make an industrial agreement with any other organization or with any person for the prevention and settlement of industrial disputes existing or future by conciliation and arbitration.

SCOPE.

Sec. 74. No proceedings under any industrial agreement shall extend to affect any organizations or persons who are not bound by the agreement.

TERM AND FORM.

Sec. 75. Every industrial agreement shall be in writing and for a term to be specified therein not exceeding five years from the date of the making thereof and shall be in a form commencing as follows: "This industrial agreement made pursuant to the commonwealth conciliation and arbitration act, 1904, this — day of —, between —"; and the date of the making of the agreement shall be the date when the agreement is first executed by any party thereto, and that date and the names of all organizations and persons parties to the agreement shall be truly stated therein.

DUPLICATE TO BE FILED.

Sec. 76. A duplicate of every industrial agreement shall be filed in the office of the industrial registrar, and of every organization affected thereby, within 30 days of the making thereof, and shall be open to inspection as prescribed, and the registrar, if thereunto required by any person interested therein, shall investigate the matter in such manner as he thinks fit, and if satisfied that the agreement has been duly made and executed pursuant to this act, by or on behalf of the parties thereto, shall give a certificate to that effect, which certificate shall be conclusive evidence that the fact is as stated.

EFFECT.

SEC. 77. Every industrial agreement shall during its continuance be binding on—

- (a) All parties thereto; and
- (b) All members, at any time during such continuance, of any organization which is a party thereto.

ENFORCEMENT.

SEC. 78. (1) Any organization or person bound by an industrial agreement shall for any breach or nonobservance of any term of the agreement be liable to a penalty not exceeding such amount as is fixed by the industrial agreement; and if no amount is so fixed, then to a penalty not exceeding in the case of an organization five hundred pounds (\$2,433.25), in the case of an employer two hundred and fifty pounds (\$1,216.63), and in the case of an employee ten pounds (\$48.67).

(2) Such penalties may be proceeded for and recovered in the same manner as penalties for breach or nonobservance of an order or award of the court.

SUBSEQUENT AGREEMENTS.

SEC. 79. An industrial agreement may be rescinded or varied by any other industrial agreement made between the same parties or their representatives.

VARIATIONS.

SEC. 80. On the application of an organization in manner prescribed the court may order that any industrial agreement be varied so far as is necessary to bring it into conformity with any common rule declared by the court.

CONTINUANCE.

SEC. 81. In default of any express agreement to the contrary therein contained, an industrial agreement shall, unless rescinded and subject to any variation, continue in force after the expiration of the term specified therein, until the expiration of one month after some party thereto has given written notice to the registrar and to the other parties of his desire to determine it.

PART VII. MISCELLANEOUS.

JUDGES FREE TO ACT.

SEC. 82. Nothing in this act shall require any judge of the supreme court of a State to accept any appointment under this act, and no such appointment shall be made without the previous approval of the governor of the State.

CONTEMPTS.

SEC. 83. (1) No person shall willfully insult or disturb the court, or interrupt the proceedings of the court, or use any insulting language toward the court, or by writing or speech use words calculated to improperly influence the court, or any assessor, or any witness before the court, or to bring the court into disrepute, or be guilty in any manner of any willful contempt of the court.

Penalty: One hundred pounds (\$486.65).

(2) Nothing in this section shall be taken to derogate from the power of the court to punish for contempt.

SAME.

SEC. 84. No person who has been summoned to appear or who has appeared before the court as a witness shall (without just cause, proof whereof shall lie upon him)—

- (a) Disobey the summons to so appear; or
- (b) Refuse to be sworn as a witness; or
- (c) Refuse to answer any question which he is required by the court to answer; or
- (d) Refuse to produce any books or documents which he is required by the court to produce.

Penalty: One hundred pounds (\$486.65).

DISCLOSURE OF TRADE SECRETS.

SEC. 85. (1) No evidence relating to any trade secret, or to the profits or financial position, of any witness or party shall be disclosed, except to the court, or published without the consent of the person entitled to the trade secret or nondisclosure.

Penalty: Five hundred pounds (\$2,433.25) or three months' imprisonment.

(2) All such evidence shall, if the witness or party so requests, be taken in private.

INFORMATION CONFIDENTIAL.

SEC. 86. All books, papers, and other documents produced in evidence before the court may be inspected by the court, and also by such of the parties as the court allows; but the information obtained therefrom shall not be made public without the permission of the court: *Provided*, That such books, papers, and documents relating to any trade secret, or to the profits or financial position of any witness or party, shall not without his consent be inspected by any party.

Penalty: Five hundred pounds (\$2,433.25) or three months' imprisonment.

COUNSELING OR PROCURING OFFENSES.

SEC. 87. Every person who, or organization which, is directly or indirectly concerned in the commission of any offense against this act, or counsels, takes part in, or encourages the commission of any such offense, shall be deemed to have committed that offense and shall be punishable accordingly.

ATTEMPTS.

SEC. 88. Any attempt to commit an offense against this act shall be an offense against this act punishable as if the offense had been committed.

JURISDICTION OF STATE COURTS.

SEC. 89. For the purposes of this act, a State court or magistrate, whose jurisdiction is limited, as to area, subject matter, or parties, to any part of a State, shall be deemed to have jurisdiction throughout the State: *Provided*, That on the hearing of any proceeding in a court of summary jurisdiction for the recovery of any penalty, fine, fee, levy, or due, the court, if in the interests of justice it thinks fit, may adjourn the hearing to a court of summary jurisdiction to be held at some other place in the same State.

COPY OF AWARD TO BE FILED.

SEC. 90. An office copy of every award shall be filed in the principal registry and in the district registry in each State within the limits of which the award has effect, and may be inspected by any person on payment of a fee of sixpence (12 cts.).

EVIDENCE OF AWARD.

SEC. 91. An office copy of an award, purporting to be sealed with the seal of the court or certified to be true under the hand of the registrar, shall be received in all courts as evidence of the award without proof of the seal of the court or of the signature of the registrar.

REGULATIONS.

SEC. 92. The Governor General may make regulations, not inconsistent with this act, prescribing all matters and things which by this act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this act.

SCHEDULES.

Schedule A.

I, A. B., do swear that I will well and truly serve our sovereign lord the King in the office of (president or deputy president as the case may be) of the Commonwealth court of conciliation and arbitration, and that I will faith-

fully and impartially perform the duties of that office, and that I will not, contrary to my duty, disclose to any person any evidence or other matter brought before the court: So help me God.

Or, I, A. B., do solemnly and sincerely promise and declare that (etc., as above, omitting words "So help me God").

Schedule B.

CONDITIONS TO BE COMPLIED WITH BY ASSOCIATIONS APPLYING FOR REGISTRATION AS ORGANIZATIONS.

I. The affairs of the association shall be regulated by rules specifying the purposes for which it is formed, and providing for the following matters in relation to the association:

- (a) A committee of management and officers;
- (b) The powers and duties of the committee and of officers;
- (c) The removal of members of committee and of officers;
- (d) The control of the committee by the members, either as a whole, or in district meetings, or by a general governing body, or otherwise;
- (e) The mode in which industrial agreements and other documents may be executed by or on behalf of the association;
- (f) The power of bringing industrial disputes before the court;
- (g) The times when and terms on which persons shall become or cease to be members;
- (h) The mode in which the property is to be controlled and the funds invested;
- (i) The yearly or other more frequent audit of the accounts;
- (j) The conditions under which funds may be disbursed for ordinary and extraordinary purposes;
- (k) The keeping of a register of the members;
- (l) The registered office; and
- (m) The repeal and alteration of, and addition to, the rules.

II. The rules of an association may also provide for any other matter not contrary to law.

III. No two associations shall be registered as organizations under the same name.

IV. An application, in the prescribed form, for registration of an association as an organization must be made to the industrial registrar, or to the deputy industrial registrar in charge of the registry in the State where the office of the association is situated, and shall be signed by two or more officers of the association.

V. Every application for registration shall be in duplicate and shall be accompanied by—

- (a) Two copies of a list of the members and officers of the association, so far as known to those signing the application;
- (b) Two copies of the rules of the association; and
- (c) Two copies of a resolution passed in accordance with the rules by a majority of the members present at a general meeting of the association in favor of registration of the association as an organization; or
- (d) Two copies of a resolution passed by an absolute majority of the committee of management in favor of registration of the association as an organization.

NEW ZEALAND.

INDUSTRIAL, CONCILIATION, AND ARBITRATION ACT, 1908 (AMENDED TO 1913).

INDUSTRIAL AND CONCILIATION ACT, 1908 (AMENDED TO 1913).

SECTION 1. (1) The short title of this act is "The industrial conciliation and arbitration act, 1908."

SEC. 2 (as amended by act No. 239, 1908). (1) In this act, if not inconsistent with the context—

"Board" means a board of conciliation for an industrial district constituted under this act. [See secs. 27-29, p. 266.]

"Court" means the court of arbitration constituted under this act.

"Employer" includes persons, firms, companies, and corporations employing one or more workers.

"Industrial association" means an industrial association registered under this act.

"Industrial dispute" means any dispute arising between one or more employers or industrial unions or associations of employers and one or more industrial unions or associations of workers in relation to industrial matters.

"Industrial matters" means all matters affecting or relating to work done or to be done by workers, or the privileges, rights, and duties of employers or workers in any industry, not involving questions which are or may be the subject of proceedings for an indictable offense; and, without limiting the general nature of the above definition, includes all matters relating to—

(a) The wages, allowances, or remuneration of workers employed in any industry or the prices paid or to be paid therein in respect of such employment.

(b) The hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment;

(c) The employment of children or young persons, or of any person or persons or class of persons, in any industry, or the dismissal of or refusal to employ any particular person or persons or class of persons therein;

(d) The claim of members of an industrial union of employers to preference of service from unemployed members of an industrial union of workers;

(e) The claim of members of industrial unions of workers to be employed in preference to nonmembers;

(f) Any established custom or usage of any industry, either generally or in the particular district affected.

"Industrial union" means an industrial union registered under this act.

"Industry" means any business, trade, manufacture, undertaking, calling, or employment in which workers are employed.

"Judge" means the judge of the court of arbitration.

"Officer" when used with reference to any union or association, means president, vice president, treasurer, or secretary.

"Prescribed" means prescribed by regulations under this act.

"Registrar" means the registrar of industrial unions under this act.

"Supreme court office" means the office of the supreme court in the industrial district wherein any matter arises to which such expression relates; and, where there are two such offices in any such district, it means the office which is nearest to the place or locality wherein any such matter arises.

"Trade-union" means any trade-union registered under "The trade-unions act, 1908," whether so registered before or after the coming into operation of this act.

"Worker" means any person of any age of either sex employed by any employer to do any work for hire or reward.

(2) In order to remove any doubt as to the application of the foregoing definitions of the terms "employer," "industry," and "worker," it is hereby declared that for all the purposes of this act an employer shall be deemed to be engaged in an industry when he employs workers who by reason of being so employed are themselves engaged in that industry, whether he employs them in the course of his trade or business or not.

ADMINISTRATION OF ACT.

SEC. 3. The minister of labor shall have the general administration of this act.

REGISTRAR.

SEC. 4. The registrar shall be the person who for the time being holds the office of secretary for labor, or such other person as the governor from time to time appoints to be registrar.

(2) The registrar may, in any matter arising in or out of the performance of his duties, state a case for the advice and opinion of the court.

(3) The governor may from time to time appoint some fit person to be deputy registrar, who shall under the control of the registrar perform such general official duties as he is called upon to perform under this act or by the registrar, and who in case of the illness, absence, or other temporary incapacity of the registrar shall act in his name and on his behalf, and while so acting shall have and may exercise all the powers, duties, and functions of the registrar.

REGISTRATION OF SOCIETIES.

SEC. 5 (as amended by act No. 239, 1908, and No. 33, 1911). Subject to the provisions of this act, any society consisting of not less than three persons in the case of employers, or fifteen in the case of workers, lawfully associated for the purpose of protecting or furthering the interests of employers or workers in or in connection with any specified industry or industries in New Zealand, may be registered as an industrial union under this act on compliance with the following provisions:

(a) An application for registration shall be made to the registrar in writing, stating the name of the proposed industrial union, and signed by two or more officers of the society.

(b) Such application shall be accompanied by—

(i) A list of the members and officers of the society with the locality in which the members and officers reside or exercise their calling.

(ii) Two copies of the rules of the society.

(iii) A copy of a resolution passed by a majority of the members present at a general meeting of the society, specially called in accordance with the rules for that purpose only, and desiring registration as an industrial union of employers, or, as the case may be, of workers.

(c) Such rules shall specify the purposes for which the society is formed, and shall provide for—

(i) The appointment of a committee of management, a chairman, secretary, and any other necessary officers, and, if thought fit, of a trustee or trustees.

(ii) The powers, duties, and removal of the committee, and of any chairman, secretary, or other officer or trustee, and the mode of supplying vacancies.

(iii) The manner of calling general or special meetings, the quorum thereat, the powers thereof, and the manner of voting thereat.

(iv) The mode in which industrial agreements and any other instruments shall be made and executed on behalf of the society, and in what manner the society shall be represented in any proceedings before a board or the court.

(v) The custody and use of the seal, including power to alter or renew the same.

(vi) The control of the property, the investment of the funds, and an annual or other shorter periodical audit of the accounts.

(vii) The inspection of the books and the names of the members by every person having an interest in the funds.

(viii) A register of members, and the mode in which and the terms on which persons shall become or cease to be members, and so that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary of intention so to do, nor until such member has paid all fees, fines, levies, or other dues payable by him under the rules, except pursuant to a clearance card duly issued in accordance with the rules.

(ix) The purging of the rolls by striking off any members in arrears of dues for twelve months; but this is not to free such discharged persons from arrears due.

(x) The conduct of the business of the society at some convenient address to be specified, and to be called "the registered office of the society."

(xi) The amendment, repeal, or alteration of the rules, but so that the foregoing requirements of this paragraph shall always be provided for.

(xii) Any other matter not contrary to law.

SAME SUBJECT.

SEC. 6. (1) On being satisfied that the society is qualified to register under this act, and that the provisions of the last preceding section hereof have been complied with, the registrar shall, without fee, register the society as an industrial union pursuant to the application, and shall issue a certificate of registration, which, unless proved to have been canceled, shall be conclusive evidence of the fact of such registration and of the validity thereof.

(2) The registrar shall at the same time record the rules, and also the situation of the registered office.

INCORPORATION OF SOCIETIES.

SEC. 7. (1) Every society registered as an industrial union shall, as from the date of registration, but solely for the purposes of this act, become a body

corporate by the registered name, having perpetual succession and a common seal, until the registration is canceled as hereinafter provided.

(2) There shall be inserted in the registered name of every industrial union the word "employers" or "workers," according as such union is a union of employers or workers, and also (except in the case of an incorporated company) the name of the industry in connection with which it is formed and the locality in which the majority of its members reside or exercise their calling, as thus: "The [Christchurch grocers'] industrial union of employers"; "The [Wellington tram drivers'] industrial union of workers."

REGISTRATION OF TRADE-UNIONS.

Sec. 8. With respect to trade-unions the following special provisions shall apply, anything hereinbefore contained to the contrary notwithstanding:

(a) Any such trade-union may be registered under this act by the same name (with the insertion of such additional words as aforesaid).

(b) For the purposes of this act every branch of a trade-union shall be considered a distinct union, and may be separately registered as an industrial union under this act.

(c) For the purposes of this act the rules for the time being of the trade-union, with such addition or modification as may be necessary to give effect to this act, shall, when recorded by the registrar, be deemed to be the rules of the industrial union.

REGISTRATION OF SOCIETIES OF EMPLOYERS.

Sec. 9. With respect to the registration of societies of employers the following special provisions shall apply:

(a) In any case where a copartnership firm is a member of the society, each individual partner residing in New Zealand shall be deemed to be a member, and the name of each such partner (as well as that of the firm) shall be set out in the list of members accordingly, as thus: "Watson, Brown & Co., of Wellington, boot manufacturers; the firm consisting of four partners, of whom the following reside in New Zealand—that is to say, John Watson, of Wellington, and Charles Brown, of Christchurch": *Provided*, That this paragraph shall not apply where the society to be registered is an incorporated company.

(b) Except where its articles or rules expressly forbid the same, any company incorporated under any act may be registered as an industrial union of employers, and in such case the provisions of section five hereof shall be deemed to be sufficiently complied with if the application for registration is made under the seal of the company, and pursuant to a resolution of the board of directors, and is accompanied by—

(i) A copy of such resolution.

(ii) Satisfactory evidence of the registration or incorporation of the company.

(iii) Two copies of the articles of association or rules of the company.

(iv) A list containing the names of the directors, and of the manager or other principal executive officer of the company.

(v) The situation of the registered office of the company.

REGISTRATION OF FOREIGN COMPANIES.

(c) Where a company registered out of New Zealand is carrying on business in New Zealand through an agent acting under a power of attorney, such company may be registered as an industrial union of employers, and in such case the provisions of section five hereof shall be deemed to be complied with if the application to register is made under the hand of the agent for the company, and is accompanied by—

(i) Satisfactory evidence of the registration or incorporation of the company.

(ii) Two copies of its articles of association or rules.

(iii) The situation of its registered office in New Zealand.

(iv) A copy of the power of attorney under which such agent is acting.

(v) A statutory declaration that such power of attorney has not been altered or revoked.

(d) In so far as the articles or rules of any such company are repugnant to this act they shall, on the registration of the company as an industrial union of employers, be construed as applying exclusively to the company and not to the industrial union.

SOCIETIES NOT REGISTERED UNDER SIMILAR NAMES.

Sec. 10. In no case shall an industrial union be registered under a name identical with that by which any other industrial union has been registered under this act, or by which any other trade-union has been registered under "The trade-unions act, 1908," or so nearly resembling any such name as to be likely to deceive the members or the public.

PROVISION TO PREVENT MULTIPLICITY OF UNIONS.

Sec. 11. In order to prevent the needless multiplication of industrial unions connected with the same industry in the same locality, or industrial district, the following special provisions shall apply:

(a) The registrar may refuse to register an industrial union in any case where he is of opinion that in the same locality or industrial district and connected with the same industry there exists an industrial union to which the members of such industrial union might conveniently belong:

Provided, That the registrar shall forthwith notify such registered industrial union that an application for registration has been made.

(b) Such industrial union, if dissatisfied with the registrar's refusal, may in the prescribed manner appeal therefrom to the court, whereupon the court, after making full inquiry, shall report to the registrar whether in its opinion his refusal should be insisted on or waived, and the registrar shall be guided accordingly:

Provided, That it shall lie on the industrial union to satisfy the court that, owing to distance, diversity of interest, or other substantial reason, it will be more convenient for the members to register separately than to join any existing industrial union.

EFFECT OF REGISTRATION.

Sec. 12. The effect of registration shall be to render the industrial union, and all persons who are members thereof at the time of registration, or who after such registration become members thereof, subject to the jurisdiction by this act given to a board and the court respectively and liable to all the provisions of this act, and all such persons shall be bound by the rules of the industrial union during the continuance of their membership.

Sec. 13. [Requires amendments and alterations of rules of industrial unions to be furnished to the registrar and filed by him, etc.]

BRANCH OFFICE OF INDUSTRIAL UNION.

Sec. 14. (1) In addition to its registered office, an industrial union may also have a branch office in any industrial district in which any of its members reside or exercise their calling.

(2) Upon application in that behalf by the union, under its seal and the hand of its chairman or secretary, specifying the situation of the branch office, the registrar shall record the same, and thereupon the branch office shall be deemed to be registered.

(3) The situation of the registered office and of each registered branch office of the industrial union may be changed from time to time by the committee of management, or in such other manner as the rules provide.

(4) Every such change shall be forthwith notified to the registrar by the secretary of the union, and thereupon the change shall be recorded by the registrar.

Sec. 15. [Authorizes industrial unions to sue members to recover fees, fines, levies, or dues.]

Sec. 16. [Authorizes industrial unions to purchase or lease land, and to sell, mortgage, exchange, etc., the same, in an amount not exceeding five acres.]

Sec. 17. [Requires industrial unions to send half-yearly lists of members and officers to the registrar.]

INDUSTRIAL UNION MAY SUE IN REGISTERED NAME—SERVICE OF NOTICES.

Sec. 18. Every industrial union may sue or be sued for the purposes of this act by the name by which it is registered; and service of any process, notice, or document of any kind may be effected by delivering the same to the chairman or secretary of such union, or by leaving the same at its registered office (not

being a branch office), or by posting the same to such registered office in a duly registered letter addressed to the secretary of the union.

SEC. 19. [Prescribes mode of executing deeds and instruments by industrial unions.]

AMALGAMATION OF INDUSTRIAL UNIONS.

SEC. 20 (as amended by Act No. 33, 1911). (1) Whenever two or more industrial unions in the same industrial district connected with the same industry desire to amalgamate so as to form one union and carry out such desire by registering a new industrial union, the registrar shall place upon the certificate of registration of such new union a memorandum of the names of the unions whose registration is shown to his satisfaction to have been canceled in consequence of such amalgamation and registration.

(2) Where there is more than one award or industrial agreement in force relating to that industry within the same industrial district or any part thereof the court, on the application of any party to any such award or industrial agreement may by order adjust the terms of such awards or industrial agreements and such order shall have effect as if it were a new award or industrial agreement.

(3) Until such order is made such amalgamation shall not have effect on any existing award or industrial agreement.

CANCELLATION OF REGISTRATION.

SEC. 21. Any industrial union may at any time apply to the registrar in the prescribed manner for a cancellation of the registration thereof, and thereupon the following provisions shall apply:

(a) The registrar, after giving six weeks' public notice of his intention to do so, may, by notice in the Gazette, cancel such registration:

Provided, That in no case shall the registration be canceled during the progress of any conciliation or arbitration proceedings affecting such union until the board or court has given its decision or made its award, nor unless the registrar is satisfied that the cancellation is desired by a majority of the members of the union.

(b) The effect of the cancellation shall be to dissolve the incorporation of the union, but in no case shall the cancellation or dissolution relieve the industrial union, or any member thereof, from the obligation of any industrial agreement, or award or order of the court, nor from any penalty or liability incurred prior to such cancellation.

CANCELLATION OF REGISTRATION OF DEFUNCT UNION.

SEC. 22. (1) If an industrial union makes default in forwarding to the registrar the returns required by section 17 hereof, and the registrar has reasonable cause to believe that the union is defunct, he may send by post to the last-known officers of the union a letter calling attention to the default, and inquiring whether the union is in existence.

(2) If within two months after sending such letter the registrar does not receive a reply thereto, or receives a reply from any one or more of the officers to the effect that the union has ceased to exist, he may insert in the Gazette, and send to the last-known officers of the union, a notice declaring that the registration of the union will, unless cause to the contrary is shown, be canceled at the expiration of six weeks from the date of such notice.

(3) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is shown, strike the name of the union off the register, and shall publish notice thereof in the Gazette, and thereupon the registration of the union shall be canceled.

REGISTRATION OF COUNCILS.

SEC. 23 (as amended by Act No. 239, 1908). (1) Any council or other body, however designated, representing not less than two industrial unions of either employers or workers may be registered as an industrial association of employers or workers under this act.

APPLICATION OF PRIOR PROVISIONS.

(2) All the provisions of this act relating to industrial unions, their officers and members, shall, *mutatis mutandis*, extend and apply to an industrial association, its officers and members, and these provisions shall be read and construed accordingly in so far as the same are applicable:

Provided, That an industrial association shall not be entitled to nominate or vote for the election of members of the board, or to recommend the appointment of a member of the court.

INDUSTRIAL DISPUTES IN RELATED TRADES.

SEC. 24. (1) An industrial dispute may relate either to the industry in which the party by whom the dispute is referred for settlement to a board or the court, as hereinafter provided, is engaged or concerned, or to any industry related thereto.

(2) An industry shall be deemed to be related to another where both of them are branches of the same trade, or are so connected that industrial matters relating to the one may affect the other: Thus, bricklaying, masonry, carpentering, and painting are related industries, being all branches of the building trade, or being so connected as that the conditions of employment or other industrial matters relating to one of them may affect the others.

(3) The governor may from time to time, by notice in the Gazette, declare any specified industries to be related to one another, and such industries shall be deemed to be related accordingly.

(4) The court shall also in any industrial dispute have jurisdiction to declare industries to be related to one another.

INDUSTRIAL AGREEMENTS.

SEC. 25. (1) The parties to industrial agreements under this act shall in every case be trade-unions or industrial unions or industrial associations or employers; and any such agreement may provide for any matter or thing affecting any industrial matter, or in relation thereto, or for the prevention or settlement of an industrial dispute.

(2) Every industrial agreement shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, as specified therein, and shall commence as follows: "This industrial agreement, made in pursuance of 'The Industrial conciliation and arbitration act, 1908,' this — day of —, between —"; and then the matters agreed upon shall be set out.

(3) The date of the making of the industrial agreement shall be the date on which it is executed by the party who first executes it; and such date, and the names of all the original parties thereto, shall be truly stated therein.

(4) Notwithstanding the expiry of the term of the industrial agreement, it shall continue in force until superseded by another industrial agreement or by an award of the court, except where, pursuant to the provisions of section 21 or 22 hereof, the registration of an industrial union of workers has been cancelled.

SEC. 26. A duplicate original of every industrial agreement shall, within thirty days after the making thereof, be filed in the office of the clerk of the industrial district where the agreement is made.

SEC. 27. At any time whilst the industrial agreement is in force any industrial union or employer may become party thereto by filing in the office wherein such agreement is filed a notice in the prescribed form, signifying concurrence with such agreement.

SEC. 28. Every industrial agreement duly made, executed, and filed shall be binding on the parties thereto, and also on every member of any industrial union or industrial association which is party thereto.

SEC. 29. Every industrial agreement, whether made under this act or under any former act relating to industrial conciliation and arbitration, may be varied, renewed, or cancelled by any subsequent industrial agreement made by and between all the parties thereto, but so that no party shall be deprived of the benefit thereof by any subsequent industrial agreement to which he is not a party.

SEC. 30. Repealed.

INDUSTRIAL DISTRICTS.

SEC. 31. (1) The governor may, from time to time, by notice in the Gazette, constitute and divide New Zealand or any portion thereof into such industrial districts, with such names and boundaries as he thinks fit.

(2) All industrial districts constituted under any former act relating to industrial conciliation and arbitration and existing on the coming into operation of this act shall be deemed to be constituted under this act.

ALTERATION OF BOUNDARIES.

SEC. 32. If any industrial district is constituted by reference to the limits or boundaries of any other portion of New Zealand defined or created under any act, then, in case of the alteration of such limits or boundaries, such alteration shall take effect in respect of the district constituted under this act without any further proceeding, unless the governor otherwise determines.

CLERK OF AWARDS.

SEC. 33. (1) In and for every industrial district the governor shall appoint a clerk of awards (elsewhere in this act referred to as "the clerk"), who shall be paid such salary or other remuneration as the governor thinks fit, and shall be subject to the control and direction of the registrar.

(2) [Transitory and obsolete.]

SEC. 34. [Office of clerk may be held separately or in conjunction with another office.]

DUTIES OF CLERK.

SEC. 35. It shall be the duty of the clerk—

(a) To receive, register, and deal with all applications within his district lodged for reference of any industrial dispute to the board or to the court.

(b) To convene the board for the purpose of dealing with any such dispute.

(c) To keep a register in which shall be entered the particulars of all references and settlements of industrial disputes made to and by the board, and of all references, awards, and orders made to and by the court.

(d) To forward from time to time to the registrar copies of or abstracts from the register.

(e) To issue all summonses to witnesses to give evidence before the board or court, and to issue all notices and perform all such other acts in connection with the sittings of the board or court as are prescribed, or as the court, the board, or the registrar directs.

(f) Generally to do all such things and take all such proceedings as are prescribed by this act or the regulations thereunder, or as the court, the board, or the registrar directs.

[Sections 36 to 61, inclusive, were taken up with the account of the formation and duties of district boards of conciliation, which were permanent bodies, exercising the functions indicated by their names, though a reference to them was not necessary as a condition precedent to a reference to the court of arbitration. By the amending act, No. 239, 1908, the work of these boards was taken from them and conferred upon councils of conciliation. In most, but apparently not all, cases therefore, where the term "boards of conciliation" is found in the principal act, it should be understood to mean "councils of conciliation." See section 50 of the amending act.]

COURT OF ARBITRATION.

SEC. 62. There shall be one court of arbitration (in this act called "The court") for the whole of New Zealand for the settlement of industrial disputes pursuant to this act.

SEAL.

SEC. 63. The court shall have a seal, which shall be judicially noticed in all courts of judicature and for all purposes.

CONSTITUTION OF COURT.

SEC. 64. The court shall consist of three members, who shall be appointed by the governor. Of the three members of the court one shall be the judge of the court, and shall be so appointed, and the other two (hereinafter called "nominated members") shall be appointed as hereinafter provided.

APPOINTMENT OF JUDGE.

SEC. 65. (1) No person shall be eligible for appointment as judge of the court unless he is eligible to be a judge of the supreme court.

(2) The judge so appointed shall, as to tenure of office, salary, emoluments, and privileges (including superannuation allowance), have the same rights and be subject to the same provisions as a judge of the supreme court.

(3) Superseded by Act No. 68, 1910, section 4.

(4) In case of the illness or unavoidable absence of the judge of the court at any time the governor shall appoint some judge of the supreme court to act as judge of the court during such illness or absence.

(5) This act shall be deemed to be a permanent appropriation of the salary of the judge of the court.

APPOINTMENT OF MEMBERS.

SEC. 66 (as amended by Act 239, 1908). (1) Of the two nominated members of the court one shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers.

(2) For the purposes of the appointment of the nominated members of the court (other than the judge) the following provisions shall apply:

(a) Each industrial union may, within one month after being requested so to do by the governor, recommend to the governor the names of two persons, one to be the nominated member and one to be the acting nominated member of the court, and from the names so recommended the governor shall select four persons as follows:

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and shall appoint them to be nominated members of the court; and

One from the persons recommended by the unions of employers and one from the persons recommended by the unions of workers, and appoint them to be acting nominated members of the court.

(aa) In so appointing the members and acting members of the court on the recommendation of the industrial unions, the governor shall take into account the voting power of each such union, as determined in manner following; that is to say:

(i) Every union having not more than 50 members shall be deemed to have 1 vote.

(ii) Every union having more than 50 members shall be deemed to have 1 vote for every complete 50 of its members. For the purpose of so estimating the voting power of a union, the number of its members shall be deemed to be the number specified in the last annual list forwarded by the union to the registrar, in pursuance of section 17 hereof.

(b) The recommendation shall in each case be made in the name and under the seal of the union, by the committee of management or other governing authority thereof, however designated.

(c) If either of the divisions of unions fails or neglects to duly make any recommendation within the aforesaid period, the governor shall, as soon thereafter as may be convenient, appoint a fit person to be a nominated member or an acting nominated member of the court, as the case may be; and such person shall be deemed to be appointed on the recommendation of the said division of unions.

(d) As soon as practicable after the nominated members and acting nominated members of the court have been appointed their appointment shall be notified in the Gazette, and such notification shall be final and conclusive for all purposes.

TERM OF OFFICE.

(3) Every nominated member or acting nominated member of the court shall hold office for three years from the date of the gazetting of his appointment or until the appointment of his successor and shall be eligible for reappointment.

SEC. 67. [Transitory and obsolete.]

ACTING MEMBER TO ACT, WHEN.

SEC. 68. (1) If at any time either of the nominated members of the court is unable, by reason of illness or other cause, to attend any sitting of the court on the day fixed for the same, and it is likely that he will be unable to attend any sitting of the court within seven days after the day so fixed, he may notify the clerk thereof.

(2) If at any time the clerk (whether or not he has been so notified) is satisfied that any such member is by reason of illness or other cause unable to attend any sitting of the court on the day fixed for the same, and it is likely that he will be unable to attend for seven days after the day so fixed, he shall notify the fact to the judge, who shall thereupon summon the acting nominated member appointed as aforesaid on the recommendation of the industrial unions of employers or of workers, as the case may be, to attend the sitting of the court and to act as a nominated member of the court during the absence of the nominated member who is unable to attend, and while so acting he shall have and may exercise all the powers, functions, and privileges of the nominated member for whom he is acting.

(3) On receipt by the clerk of a notice in writing, signed by the nominated member of the court, that he is able to resume the duties of his office, the acting nominated member shall cease to act as aforesaid:

Provided, That if he is then employed upon the hearing of a case he shall complete such hearing before so ceasing to act.

(4) The absence of the nominated member of the court while the acting nominated member is so acting shall not be deemed to have created a casual vacancy under section 71 hereof.

SAME SUBJECT.

SEC. 69. (1) In any case where the permanent nominated member is himself a party to the dispute or proceedings, and is consequently unable to act as member, the acting nominated member may attend and act; and the provisions of the last preceding section shall, *mutatis mutandis*, apply.

(2) If in any such case as last aforesaid there is no duly appointed acting nominated member who can attend and act, the governor may, on the recommendation of the judge, appoint a fit person to attend and act for the purpose of hearing and determining the dispute or proceedings to which the permanent nominated member is a party, and the person so appointed shall be deemed to be an acting nominated member for the purpose aforesaid.

SEC. 70. If any nominated member or acting nominated member of the court resigns by letter to the governor, his office shall thereby become vacant and the vacancy shall be deemed to be a casual vacancy.

SEC. 71. The governor shall remove any nominated member or acting nominated member of the court from office who becomes disqualified or incapable under section one hundred and five hereof, or is proved to be guilty of inciting any industrial union or employer to commit any breach of an industrial agreement or award, or is absent from four consecutive sittings of the court, and every vacancy thereby caused shall be deemed to be a casual vacancy.

SEC. 72. Every casual vacancy in the nominated membership or acting nominated membership of the court shall be supplied in the same manner as in the case of the original appointment; but every person appointed to fill a casual vacancy shall hold office only for the residue of the term of his predecessor.

OATH OF OFFICE.

SEC. 73. Before entering on the exercise of the functions of their office the nominated members of the court shall make oath or affirmation before the judge that they will faithfully and impartially perform the duties of their office, and also that, except in the discharge of their duties, they will not disclose to any person any evidence or other matter brought before the court.

REMUNERATION OF MEMBERS OF THE COURT.

SEC. 74. (1) There shall be paid to each nominated member of the court the annual sum of £500 (\$2,433.25), in addition to such traveling expenses as are prescribed by regulations.

(2) This act shall be deemed to be a permanent appropriation of the salaries of the nominated members of the court.

RAILWAY STRIKES AND LOCKOUTS.

REGISTRAR TO THE COURT.

SEC. 75. (1) The governor may from time to time appoint some fit person to be registrar to the court, who shall be paid such salary as the governor thinks fit, and shall be subject to the control and direction of the court.

OFFICERS.

(2) The governor may also from time to time appoint such clerks and other officers of the court as he thinks necessary, and they shall hold office during pleasure and receive such salary or other remuneration as the governor thinks fit.

JURISDICTION.

SEC. 76. The court shall have jurisdiction for the settlement and determination of any industrial dispute referred to it under the provisions of this act.

NOTICE TO JUDGES.

SEC. 77. Forthwith after any dispute has been duly referred to the court for settlement under the provisions in that behalf hereinbefore contained the clerk shall notify the fact to the judge.

PARTIES TO PROCEEDINGS.

SEC. 78. Subject to provisions hereinafter contained as to the joining or striking out of parties, the parties to the proceedings before the court shall be the same as in the proceedings before the board, and the provisions hereinbefore contained as to the appearance of parties before a board shall apply to proceedings before the court.

SITTINGS OF COURT.

SEC. 79. With respect to the sittings of the court the following provisions shall apply:

(a) The sittings of the court shall be held at such time and place as are from time to time fixed by the judge.

(b) The sittings may be fixed either for a particular case or generally for all cases then before the court and ripe for hearing, and it shall be the duty of the clerk to give each member of the court, and also to all parties concerned, at least three clear days' previous notice of the time and place of each sitting.

(c) The court may be adjourned from time to time and from place to place in manner following, that is, to say:

(i) By the court or the judge at any sitting thereof, or if the judge is absent from such sitting, then by any other member present, or if no member is present, then by the clerk; and

(ii) By the judge at any time before the time fixed for the sitting, and in such case the clerk shall notify the members of the court and all parties concerned.

APPEARANCE OF PARTIES.

SEC. 80. Any party to the proceedings before the court may appear personally or by agent, or, with the consent of all the parties, by barrister or solicitor, and may produce before the court such witnesses, books, and documents as such party thinks proper.

POWERS OF COURT.

SEC. 81. The court shall in all matters before it have full and exclusive jurisdiction to determine the same in such manner in all respects as in equity and good conscience it thinks fit.

PROVISIONS AS TO APPLICATIONS AND DISPUTES.

SEC. 82. The following provisions shall have effect both with reference to applications and disputes pending on the coming into operation of this act and to applications hereafter filed:

(a) The court may at or before the hearing of any dispute take steps to ascertain whether all persons who ought to be bound by its award have been cited to attend the proceedings.

(b) Whenever the court is of opinion, whether from the suggestion of parties or otherwise, that all such persons have not been cited it may direct that further parties be cited, and may postpone the hearing of the dispute until such time as it may conveniently be heard; and in such case the time for making the award under section 88 hereof shall not be deemed to commence to run until such direction has been complied with.

(c) Whenever the court is satisfied, by means of a statutory declaration of the secretary or president of any industrial union or industrial association, or of any employer, or by any other means that the court thinks sufficient, that reasonable steps have been taken by the applicant to cite all persons known to the applicant to be engaged in the industry to which the proposed award is intended to apply, but is of opinion that it is probable that further parties ought to be bound who, from their being numerous, or widely scattered, or otherwise, could not reasonably have been cited personally, the court, or, when it is not sitting, the judge, may by order fix a day for the hearing, and give public notice thereof by advertisement or otherwise in such places and for such time or otherwise in such manner as it by such order determines.

(d) Such notice shall state the time and place of the intended sitting and the industry affected by the proposed award.

(e) The aforesaid order of the court or judge shall be conclusive evidence that it was made upon proper grounds, and a recital or statement in an award that such an order has been made shall be conclusive evidence of the fact.

(f) The cost of such notice shall be ascertained by the clerk and paid to him by the applicant before the same is incurred.

(g) Proof of the giving of such notice shall be sufficient proof of notice of the proceedings to every person, whether employer or worker, connected with or engaged in the industry to which the proceedings relate in the industrial district or the part thereof to which the award is intended to apply; and every such person, whether an original party to the proceedings or not, shall be entitled to be heard, and shall be bound by the award when made.

(h) The fixing of a date for the hearing shall not deprive the court of its power to adjourn the hearing; but any person who desires to have any adjournment notified to him may send intimation to that effect to the clerk, who shall enter his name and address in a book to be kept for that purpose, and thereafter keep him informed of any adjournment or postponement of the hearing.

(i) Any person may be made a party to an application by the applicant without an order of the court at any time not being less than seven days before the hearing of a dispute, and the court shall determine whether such person should properly be made a party to the award.

EVIDENCE.

SEC. 83. With respect to evidence in proceedings before the court the following provisions shall apply:

(a) Formal matters which have been proved or admitted before the board need not be again proved or admitted before the court, but shall be deemed to be proved.

(b) On the application of any of the parties, and on payment of the prescribed fee, the clerk shall issue a summons to any person to appear and give evidence before the court.

(c) The summons shall be in the prescribed form, and may require such person to produce before the court any books, papers, or other documents in his possession or under his control in any way relating to the proceedings.

(d) All books, papers, and other documents produced before the court, whether produced voluntarily or pursuant to summons, may be inspected by the court, and also by such of the parties as the court allows; but the information obtained therefrom shall not be made public, and such parts of the documents as, in the opinion of the court, do not relate to the matter at issue may be sealed up.

(e) Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits under "The magistrates' courts act, 1908."

(f) If any person who has been duly served with such summons, and to whom at the same time payment or tender has been made of his reasonable traveling expenses according to the aforesaid scale, fails to duly attend or to duly produce any book, paper, or document as required by his summons he commits an offense, and is liable to a fine not exceeding £20 (\$97.33) or to imprisonment for any term not exceeding one month, unless he shows that there was good and sufficient cause for such failure.

(g) For the purpose of obtaining the evidence of witnesses at a distance the court, or, whilst the court is not sitting, the judge, shall have all the powers and functions of a magistrate under "The magistrates' courts act, 1908," and the provisions of that act relative to the taking of evidence at a distance shall, *mutatis mutandis*, apply in like manner as if the court were a magistrate's court.

(h) The court may take evidence on oath, and for that purpose any member, the clerk, or any other person acting under the express or implied direction of the court, may administer an oath.

(i) On any indictment for perjury it shall be sufficient to prove that the oath was administered as aforesaid.

(j) The court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

(k) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

(l) The court in its discretion may order that all or any part of its proceedings may be taken down in shorthand.

(m) On the hearing before the court of any industrial dispute the court may, if it thinks fit, dispense with any evidence on any matter on which all parties to the dispute have agreed in writing either as an industrial agreement or by memorandum before the board.

QUORUM.

SEC. 84. (1) The presence of the judge and at least one other member shall be necessary to constitute a sitting of the court.

DECISION OF COURT.

(2) The decision of a majority of the members present at the sitting of the court, or if the members present are equally divided in opinion, then the decision of the judge shall be the decision of the court.

(3) The decision of the court shall in every case be signed by the judge, and may be delivered by him or by any other member of the court, or by the clerk.

MATTERS REFERRED TO BOARD.

SEC. 85. The court may refer any matters before it to a board for investigation and report, and in such case the award of the court may, if the court thinks fit, be based on the report of the board.

COURT MAY DISMISS CASES.

SEC. 86. The court may at any time dismiss any matter referred to it which it thinks frivolous or trivial, and in such case the award may be limited to an order upon the party bringing the matter before the court for payment of costs of bringing the same.

COURT MAY AWARD COSTS.

SEC. 87. The court in its award may order any party to pay to the other party such costs and expenses (including expenses of witnesses) as it deems reasonable, and may apportion such costs between the parties or any of them as it thinks fit, and may at any time vary or alter any such order in such manner as it thinks reasonable:

Provided, That in no case shall costs be allowed on account of barristers, solicitors, or agents.

AWARD TO BE MADE, WHEN.

SEC. 88. The award of the court on any reference shall be made within one month after the court began to sit for the hearing of the reference, or within such extended time as in special circumstances the court thinks fit.

AWARD OPEN TO INSPECTION.

SEC. 89. (1) The award shall be signed by the judge, and have the seal of the court attached thereto, and shall be deposited in the office of the clerk of the district wherein the reference arose, and be open to inspection without charge during office hours by all persons interested therein.

(2) The clerk shall upon application supply certified copies of the award for a prescribed fee.

TERMS OF AWARD.

SEC. 90 (as amended by Act No. 239, 1908). (1) The award shall be framed in such manner as shall best express the decision of the court, avoiding all technicality where possible, and shall specify—

(a) Each original party on whom the award is binding, being in every case each trade-union, industrial union, industrial association, or employer who is party to the proceedings at the time when the award is made.

(b) The industry to which the award applies.

(c) The industrial district to which the award relates, being in every case the industrial district in which the proceedings were commenced.

(d) The currency of the award, being any specified period not exceeding three years from the date of the award:

Provided, That, notwithstanding the expiration of the currency of the award, the award shall continue in force until a new award has been duly made or an industrial agreement entered into, except where, pursuant to the provisions of section 21 or 22 hereof, the registration of an industrial union of workers bound by such award has been canceled.

(2) The award shall also state in clear terms what is or is not to be done by each party on whom the award is binding, or by the workers affected by the award, and may provide for an alternative course to be taken by any party.

(3) The award, by force of this act, shall extend to and bind as subsequent party thereto every trade-union, industrial union, industrial association, or employer who, not being an original party thereto, is at any time whilst the award is in force connected with or engaged in the industry to which the award applies within the industrial district to which the award relates.

(4) The court may in any award made by it limit the operation of such award to any city, town, or district being within or part of any industrial district.

(5) The court shall in such case have power, on the application of any trade-union, industrial union, industrial association, or employer in industrial district within which the award has effect, to extend the provisions of such award (if such award has been limited in its operation as aforesaid) to any trade-union, industrial union, industrial association, employer, or person within such industrial district.

(6) The court may, if it thinks fit, limit the operation of any award heretofore made to any particular town, city, or locality in any industrial district in which such award now has effect.

(7) The extension or limitation referred to in subsections 5 and 6 of this section shall be made upon such notice to and application of such parties as the court may in its discretion direct.

AWARDS MADE PRIOR TO ACT TO CONTINUE IN FORCE.

SEC. 91. (1) Any award in force on the coming into operation of this act shall, notwithstanding the expiration of the currency of such award, continue in force until a new award has been made under this act, except where, pursuant to the provisions of section 21 or 22 hereof, the registration of an industrial union of workers bound by such award has been canceled.

(2) The court may, upon notice to any trade-union, industrial union, industrial association, or employer within the district, and engaged in the industry to which any such award applies, not being an original party thereto, extend the award and its provisions to such trade-union, industrial union, industrial association, or employer.

POWER TO EXTEND AND AMEND AN AWARD.

SEC. 92 (as amended by Act No. 239, 1908). (1) With respect to every award, whether made before or after the coming into operation of this act, the following special powers shall be exercisable by the court by order at any time during the currency of the award, that is to say:

(a) Power to amend the provisions of the award for the purpose of remedying any defect therein or of giving fuller effect thereto.

(aa) Power to amend the provisions of any award made before the commencement of this act in the flax industry, where such amendment is deemed necessary or advisable by reason of any alteration in the profits of that industry.

Provided, That no such amendment shall be made unless the court is first satisfied that a substantial number of the workers and employers engaged in that industry are desirous that the award should be reviewed by the court.

(b) Power to extend the award so as to join and bind as party thereto any specified trade-union, industrial union, industrial association, or employer in New Zealand not then bound thereby or party thereto, but connected with or engaged in the same industry as that to which the award applies;

Provided, That the court shall not act under this paragraph except where the award relates to a trade or manufacture the products of which enter into competition in any market with those manufactured in another industrial district, and a majority of the employers engaged and of the unions of workers concerned in the trade or manufacture are bound by the award;

Provided also, That, in case of an objection being lodged to any such award by a union of employers or workers in a district other than that in which the award was made, the court shall sit for the hearing of the said objection in the district from which it comes, and may amend or extend the award as it thinks fit;

Provided further, That, notwithstanding anything contained in this paragraph, the court may extend an award to another industrial district so as to join and bind as parties to the award any specified trade-union, industrial union, industrial association, or employer where the award relates to a trade or manufacture the products of which enter into competition in any market with those manufactured in the industrial district wherein the award is in force.

(2) The award, by force of this act, shall also extend to and bind every worker who is at any time whilst it is in force employed by any employer on whom the award is binding; and if such worker commits any breach of the award he shall be liable to a fine not exceeding £10 (\$48.67), to be recovered in like manner as if he were a party to the award.

APPLICATION TO COURT.

SEC. 93. (1) The powers by the last preceding section conferred upon the court may be exercised on the application of any party bound by the award.

(2) At least 30 days' notice of the application shall be served on all other parties, including, in the case of an application under paragraph (b) of that section, every trade-union, industrial union, industrial association, or employer to whom it is desired that the award should be extended.

(3) The application may be made to the court direct, without previous reference to the board.

COURT MAY ADD PARTIES TO AN AWARD.

SEC. 94. (1) Notwithstanding anything to the contrary in this act, the court shall have full power, upon being satisfied that reasonable notice has been given of any application in that behalf, to add any party or parties to any award; and thereupon any such party or parties shall be bound by the provisions thereof, subject to any condition or qualification contained in the order adding such party or parties.

(2) Orders adding parties heretofore made by the court shall be valid as if made in exercise of the foregoing power, whether made in pursuance of reservation in the award or not.

AWARD APPLIED TO DIFFERENT TRADES.

SEC. 95. (1) Where workers engaged upon different trades are employed in any one business of any particular employer, the court may make one award applicable to such business, and embracing, as the court thinks fit, the whole or part of the various branches constituting the business of such employer.

(2) Before the court shall exercise such power notice shall be given to the respective industrial unions of workers engaged in any branch of such business.

AWARD TO BE EVIDENCE.

SEC. 96 (as amended by Act No. 33, 1911). (1) In all legal and other proceedings on the award it shall be sufficient to produce the award with the seal of the court thereto, or a copy of the award certified under the hand of the clerk of awards, or any official printed copy of the award published by the labor department, and it shall not be necessary to prove any conditions precedent entitling the court to make the award.

PROCEEDINGS NOT TO BE IMPEACHED.

(2) Proceedings in the court shall not be impeached or held bad for want of form, nor shall the same be removable to any court by certiorari or otherwise; and no award, order, or proceeding of the court shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever.

COURT TO FIX WHAT CONSTITUTES BREACH OF AWARD.

SEC. 97 (as amended by Act No. 239, 1908). The court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may fix and determine what shall constitute a breach of the award.

COURT MAY PRESCRIBE MINIMUM RATE OF WAGES.

SEC. 98. The court in its award, or by order made on the application of any of the parties at any time whilst the award is in force, may prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum:

Provided, That such lower rate shall in every case be fixed by such tribunal in such manner and subject to such provisions as are specified in that behalf in the award or order.

COSTS TO BE FIXED.

SEC. 99. In every case where the court in its award or other order directs the payments of costs or expenses it shall fix the amount thereof, and specify the parties or persons by and to whom the same shall be paid.

INSPECTORS OF AWARDS.

SEC. 100 (as amended by Act No. 239, 1908). (1) Every inspector appointed under the factories act, 1908, shall be an inspector of awards under this act, and shall be charged with the duty of seeing that the provisions of any industrial agreement, or award, or order of the court are duly observed.

(2) Every inspector of mines appointed under either the coal mines act, 1908, or the mining act, 1908, shall be an inspector of awards and shall be charged with the duty of seeing that the provisions of any such agreement, award, or order are duly observed in any coal mine or mine within his district.

(3) In the discharge of such duty an inspector of awards may require any employer or worker to produce for his examination any wages books and overtime books necessary for the purposes of this section; and, in addition, every such inspector shall have and may exercise all the powers conferred on inspectors of factories by section 6 of the factories act, 1908, and that section and sections 7 and 8 of the same act shall, *mutatis mutandis*, extend and apply to inspectors of awards.

(4) Except for the purposes of this act, and in the exercise of his functions under this act, an inspector shall not disclose to any person any information which in the exercise of such functions he acquires; and any inspector who, in contravention of this act, divulges any information shall be liable to a fine not exceeding £50 (\$243.33).

(5) A wages and overtime book shall be kept by every employer bound by an award or industrial agreement, and every such employer who fails to keep such book, or willfully makes any false entry therein, is liable to a fine not exceeding £50 (\$243.33).

(6) All fines under this section shall be recoverable summarily before a magistrate in accordance with the justices of the peace act, 1908.

SEC. 101. [Repealed.]

SEC. 102. [Repealed.]

JURISDICTION OF COURT.

SEC. 103. The court shall have full and exclusive jurisdiction to deal with all offenses under paragraph (f) of section 83, section 108, section 114, section 115, or section 120 hereof, and for that purpose the following provisions shall apply:

(a) Proceedings to recover the fine by this act imposed in respect of any such offense shall be taken in the court in a summary way under the provisions of the justices of the peace act, 1908, and those provisions shall, *mutatis mutandis*, apply in like manner as if the court were a court of justices exercising summary jurisdiction under that act:

Provided, That in the case of an offense under section 114 of this act (relating to contempt of court) the court, if it thinks fit so to do, may deal with it forthwith without the necessity of an information being taken or a summons being issued.

(b) For the purpose of enforcing any order of the court made under this section, a duplicate thereof shall by the clerk of awards be filed in the nearest office of the magistrate's court, and shall thereupon, according to its tenor, be enforced in all respects as a final judgment, conviction, or order duly made by a magistrate under the summary provisions of the justices of the peace act, 1908.

(c) The provisions of section 96 hereof shall, *mutatis mutandis*, apply to all proceedings and orders of the court under this section.

(d) All fines recovered under this section shall be paid into the public account and form part of the consolidated fund.

COURT MAY MAKE RULES.

SEC. 104. The court shall have power to make rules for the purpose of regulating the practice and procedure of the court and the proceedings of parties. *Provided*, That such rules shall not conflict with regulations made under section 127 hereof.

DISQUALIFICATIONS OF MEMBERS OF BOARD OR COURT.

SEC. 105. The following persons shall be disqualified from being appointed, or elected, or from holding office as chairman or as member of any board, or as nominated member or acting nominated member of the court; and if so elected or appointed shall be incapable of continuing to hold the office:

(a) A bankrupt who has not obtained his final order of discharge;

(b) Any person convicted of any crime for which the punishment is imprisonment with hard labor for a term of six months or upwards; or

(c) Any person of unsound mind; or

(d) An alien.

JUDGE MAY STATE CASE.

SEC. 106 (as amended by Act No. 239, 1908). The judge of the arbitration court may in any matter before the court state a case for the opinion of the court of appeal on any question of law arising in the matter.

JURISDICTION NOT AFFECTED.

SEC. 107 (as amended by Act 33, 1911). (1) Where an industrial union of workers is party to an industrial dispute, the jurisdiction of the board or court to deal with the dispute shall not be affected by reason merely that no member of the union is employed by any party to the dispute, or is personally concerned in the dispute.

REFERENCES APPROVED BY UNION.

(2) An industrial dispute shall not be referred for settlement to a board by an industrial union or association, nor shall any application be made to the court by any such union or association for the enforcement of any industrial agreement or award or order of the court, unless and until the proposed reference or application has been approved by the members of the union or of each of the unions concerned in manner following; that is to say:

(a) By resolution passed at a special meeting of the union and confirmed by subsequent ballot of the members, a majority of the votes recorded being in favor thereof, the result of such ballot to be recorded on the minutes.

SPECIAL MEETING.

(3) Each such special meeting shall be duly constituted, convened, and held in manner provided by the rules, save that notice of the proposal to be submitted to the meeting shall be posted to all the members, and that the proposal shall be deemed to be carried if, but not unless, a majority of all the members present at the meeting of the industrial union vote in favor of it.

CERTIFICATE OF CHAIRMAN EVIDENCE.

(4) A certificate under the hand of the chairman of any such special meeting shall, until the contrary is shown, be sufficient evidence as to the due constitution and holding of the meeting, the nature of the proposal submitted, and the result of the voting.

SPECIAL PROVISIONS IN CASE OF DISPUTE.

SEC. 108. In every case where an industrial dispute has been referred to the board the following special provisions shall apply:

(a) Until the dispute has been finally disposed of by the board of the court neither the parties to the dispute nor the workers affected by the dispute shall, on account of the dispute, do or be concerned in doing, directly or indirectly, anything in the nature of a strike or lockout or of a suspension or discontinuance of employment or work, but the relationship of employer and employed shall continue uninterrupted by the dispute, or anything preliminary to the reference of the dispute and connected therewith.

(b) If default is made in faithfully observing any of the foregoing provisions of this section, every union, association, employer, worker, or person committing or concerned in committing the default shall be liable to a fine not exceeding £50 (\$243.33).

(c) The dismissal or suspension of any worker, or the discontinuance of work by any worker, pending the final disposition of an industrial dispute shall be deemed to be a default under this section, unless the party charged with such default satisfies the court that such dismissal, suspension or discontinuance was not on account of the dispute.

PENALTY FOR DISMISSAL OF WORKERS.

SEC. 109 (as amended by Act No. 239, 1908). (1) Every employer who dismisses from his employment any worker by reason merely of the fact that the worker is an officer or a member of an industrial union or merely because such worker has acted as an assessor on a council of conciliation or has represented his union in any negotiations or conference between employers and workers, or merely because such worker is entitled to the benefit of an award, order, or agreement, is liable to a penalty not exceeding £25 (\$121.66), to be recovered at the suit of an inspector of awards in the same manner as a penalty for the breach of an award.

(2) A worker shall be deemed to be dismissed within the meaning of this section if he is suspended for a longer period than 10 days.

(3) In every case where the worker dismissed was immediately preceding his dismissal a president, vice president, secretary, or treasurer of an industrial union, or an assessor for a council of conciliation, or represented his union in any negotiations or conference between employers and workers, it shall lie on the employer to prove that such worker was dismissed for a reason other than that he has acted in any of the said capacities.

COMBINING TO DEFEAT AWARD.

SEC. 110. If during the currency of an award any employer, worker, industrial union, or association, or any combination of either employers or workers has taken proceedings with the intention to defeat any of the provisions of the award, such employer, worker, union, association, or combination, and every

member thereof, respectively, shall be deemed to have committed a breach of the award, and shall be liable accordingly.

SEC. 111. [Repealed.]

APPOINTMENT OF EXPERTS.

SEC. 112. Whenever an industrial dispute involving technical questions is referred to the board or court the following special provisions shall apply:

(a) At any stage of the proceedings the board or the court may direct that two experts nominated by the parties shall sit as experts;

(b) One of the experts shall be nominated by the party, or, as the case may be, by all the parties, whose interests are with the employers; and one by the party, or, as the case may be, by all the parties, whose interests are with the workers;

(c) The experts shall be nominated in such manner as the board or court directs, or as is prescribed by regulations, but shall not be deemed to be members of the board or court for the purpose of disposing of such dispute;

(d) The powers by this section conferred upon the board and the court respectively shall, whilst the board or the court is not sitting, be exercisable by the chairman of the board and the judge of the court, respectively.

POWERS OF BOARD OR COURT.

SEC. 113 (as amended by Act No. 33, 1911). (1) In order to enable the board or court the more effectually to dispose of any matter before it according to the substantial merits and equities of the case, it may, at any stage of the proceedings, of its own motion or on the application of any of the parties, and upon such terms as it thinks fit, by order—

(a) Direct parties to be joined or struck out;

(b) Amend or waive any error or defect in the proceedings;

(c) Extend the time within which anything is to be done; and

(d) Generally give such directions as are deemed necessary or expedient in the premises.

(2) The powers by this section conferred upon the board may, when the board is not sitting, be exercised by the chairman.

(3) The powers by this section conferred upon the court may, when the court is not sitting, be exercised by the judge.

CONTEMPT OF BOARD OR COURT.

SEC. 114. If in any proceedings before the board or court any person willfully insults any member of the board or court or the clerk, or willfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any willful contempt in the face of the board or court, it shall be lawful for any officer of the board or court, or any constable, to take the person offending into custody and remove him from the precincts of the board or court, to be detained in custody until the rising of the board or court, and the person so offending shall be liable to a fine not exceeding £10 (\$48.67).

OBSTRUCTION OF BOARD OR COURT.

SEC. 115. Every person who prints or publishes anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the board or court is liable to a fine not exceeding £50 (\$243.33).

POWER TO PROCEED IF ANY PARTY FAILS TO ATTEND.

SEC. 116. If, without good cause shown, any party to proceedings before the board or court fails to attend or be represented, the board or court may proceed and act as fully in the matter before it as if such party had duly attended or been represented.

PROCEEDINGS TO CONTINUE ON CHANGE IN BOARD OR COURT.

SEC. 117. Where any change takes place in the members constituting the board or the court, any proceeding or inquiry then in progress shall not abate or be affected, but shall continue and be dealt with by the board or the court as if no such change had taken place:

Provided, That the board or the court may require evidence to be retaken where necessary.

PROCEEDINGS NOT TO ABATE BY REASON OF DEATH.

SEC. 118. (1) Proceedings before the board or court shall not abate by reason of the seat of any member of the board or court being vacant for any cause whatever, or of the death of any party to the proceedings, and in the latter case the legal personal representative of the deceased party shall be substituted in his stead.

RECOMMENDATION OR AWARD NOT VOID FOR INFORMALITY.

(2) A recommendation or order of the board, or an award or order of the court, shall not be void or in any way vitiated by reason merely of any informality or error of form, or noncompliance with this act.

PROCEEDINGS PUBLIC.

SEC. 119. (1) The proceedings of the board or court shall be conducted in public:

Provided, That, at any stage of the proceedings before it, the board or court, of its own motion or on the application of any of the parties, may direct that the proceedings be conducted in private; and in such case all persons (other than the parties, their representatives, the officers of the board or court, and the witness under examination) shall withdraw.

(2) The board or court may sit during the day or at night, as it thinks fit.

POWER OF ENTRY.

SEC. 120. (1) Any board and the court, and, upon being authorized in writing by the board or court, any member of such board or court, respectively, or any officer of such board or court, or any other person, without any other warrant than this act, may at any time between sunrise and sunset—

(a) Enter upon any manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which is made the subject of a reference to such board or court;

(b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid;

(c) Interrogate any person or persons who may be in or upon any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) Every person who hinders or obstructs the board or court, or any member or officer thereof, respectively, or other person, in the exercise of any power conferred by this section, or who refuses to the board or court, or any member or officer thereof, respectfully, duly authorized as aforesaid, entrance during any such time as aforesaid to any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises, or refuses to answer any questions put to him as aforesaid, is liable to a fine not exceeding £50 (\$243.33).

GOVERNMENT RAILWAYS.

SEC. 121. With respect to the Government railways open for traffic the following special provisions shall apply, anything elsewhere in this act to the contrary notwithstanding:

(a) The society of railway servants called "The Amalgamated Society of Railway Servants," and now registered under the acts of which this act is a consolidation, shall be deemed to be registered under this act;

(b) In the case of the dissolution of the said society, any reconstruction thereof, or any society of Government railway servants formed in its stead, may register under this act as an industrial union of workers;

(c) The minister of railways may from time to time enter into industrial agreements with the registered society in like manner in all respects as if the management of the Government railways were an industry, and he were the employer of all workers employed therein;

PROCEDURE IN CASE OF DISPUTES.

(d) If any industrial dispute arises between the minister and the society it may be referred to the court for settlement as hereinafter provided;

(e) The society may, by petition filed with the clerk and setting forth the particulars of the matters in dispute, pray the court to hear and determine the same;

(f) Such petition shall be under the seal of the society and the hands of two members of the committee of management;

(g) No such petition shall be filed except pursuant to a resolution of a special meeting of the society duly called for the purpose in accordance with its rules, and with respect to such resolution and the procedure thereon section 107 shall apply;

JURISDICTION OF COURT.

(h) Such petition when duly filed shall be referred to the court by the clerk, and the court, if it considers the dispute sufficiently grave to call for investigation and settlement, shall notify the minister thereof, and appoint a time and place at which the dispute will be investigated and determined, in like manner as in the case of a reference, and the court shall have jurisdiction to hear and determine the same accordingly and to make award thereon;

(i) In making any award under this section the court shall have regard to the schedule of classification in the Government railways act, 1908;

(j) In any proceedings before the court under this section the minister may be represented by any officer of the department whom he appoints in that behalf;

(k) All expenses incurred and moneys payable by the minister under this section shall be payable out of moneys to be appropriated by Parliament for the purpose;

(l) In no case shall the board have any jurisdiction over the society, nor shall the society or any branch thereof have any right to nominate or vote for the election of any member of the board;

(m) Except for the purposes of this section the court shall have no jurisdiction over the society;

(n) For the purposes of the appointment of members of the court the society shall be deemed to be an industrial union of workers, and may make recommendations to the governor accordingly.

AWARDS TO CONTINUE IN FORCE.

SEC. 122. Whenever any portion of a district is severed therefrom, and either added to another district or constituted a new district or part of a new district, every award and industrial agreement in force in the district from which such portion is severed shall, so far as it is in force in such portion, remain in force therein until superseded by another award or industrial agreement.

PERMIT TO WORK AT LESS THAN MINIMUM WAGE.

SEC. 123 (as amended by Act No. 239, 1908). Where in any award provision is made for the issue of a permit to any worker to accept a wage below that prescribed for ordinary workers in the trade to which the award relates the following provisions shall apply:

(a) The application for a permit shall be in writing, signed by the applicant, and addressed to the person authorized by the award to issue the same;

(b) Such person shall fix a time and place for the hearing of such application, being not later than two days after the receipt by him of the application, and shall give notice of such time and place to the secretary of the industrial union of workers in the trade to which the award relates;

(c) Such notice shall be in writing, and may be delivered to the secretary personally or left at the registered office of the industrial union within 24 hours after the receipt of the application;

(d) Such secretary, or some other person appointed in that behalf by the union, shall be afforded an opportunity to attend the hearing so as to enable the union to express its views upon the application;

(e) No such permit shall be granted to any person who is not usually employed in the industry to which the award applies;

(f) A permit shall be valid only for the period for which it is granted.

NOTIFICATIONS IN GAZETTE TO BE EVIDENCE.

SEC. 124. Any notification made or purporting to be made in the Gazette by or under the authority of this act may be given in evidence in all courts of justice, in all legal proceedings, and for any of the purposes of this act by the production of a copy of the Gazette.

DOCUMENTS AND SIGNATURES TO BE JUDICIALLY NOTICED.

SEC. 125. (1) Every document being the seal of the court shall be received in evidence without further proof, and the signature of the judge of the court, or the chairman of the board, or the registrar, or the clerk of awards shall be judicially noticed in or before any court or person or officer acting judicially, or under any power or authority contained in this act;

Provided, Such signature is attached to some award, order, certificate, or other official document made or purporting to be made under this act or any enactment mentioned in the schedule hereto.

(2) No proof shall be required of the handwriting or official position of any person acting in pursuance of this section.

SERVICE OF PROCESS ON SUNDAY VOID.

SEC. 126. (1) No person shall serve or cause to be served on Sunday any order or other process of the court, and such service shall be void to all intents and purposes whatsoever.

(2) Every person who commits a breach of this section is liable to a fine not exceeding £10 (\$48.67), to be recovered in a summary way under the justices of the peace act, 1908.

(3) Nothing in this section shall be construed to annul, repeal, or in any way affect the common law, or the provisions of any statute or rule of practice or procedure, now or hereafter in force, authorizing the service of any writ, process, or warrant.

REGULATIONS.

SEC. 127. (1) The governor may from time to time make regulations for any of the following purposes:

(a) Prescribing the forms of certificates or other instruments to be issued by the registrar, and of any certificate or other proceeding of any board or any officer thereof;

(b) Prescribing the duties of clerks of awards, and of all other officers and persons acting in the execution of this act;

(c) Providing for anything necessary to carry out the first or any subsequent election of members of boards, or on any vacancy therein or in the office of chairman of any board, including the forms of any notice, proceeding, or instrument of any kind to be used in or in respect of any such election;

(d) Providing for the mode in which recommendations by industrial unions as to the appointment of members of the court shall be made and authenticated;

(e) Prescribing any act or thing necessary to supplement or render more effectual the provisions of this act as to the conduct of proceedings before a board or the court, or the transfer of such proceedings from one of such bodies to the other;

(f) Providing generally for any other matter or thing necessary to give effect to this act or to meet any particular case;

(g) Prescribing what fees shall be paid in respect of any proceeding before a board or the court and the party by whom such fees shall be paid;

(h) Prescribing what respective fees shall be paid to the members of the board;

(i) Prescribing what respective travelling expenses shall be payable to the members of the court (including the judge) and to the members of the board; and

(j) For any other purpose for which regulations are contemplated or required in order to give full effect to this act.

(2) All such regulations shall come into force on the date of the gazetting thereof, and shall, within 14 days after such gazetting, be laid before Parliament if in session, or if not in session, then within 14 days after the beginning of the next session.

SEC. 128. [This act not to affect fees in other courts.]

EXPENSES OF ADMINISTRATION.

SEC. 129. Except as provided by subsection 5 of section 65 and subsection 2 of section 74 hereof, all charges and expenses incurred by the Government in connection with the administration of this act shall be defrayed out of such annual appropriations as from time to time are made for that purpose by Parliament.

STAMP DUTY NOT PAYABLE, WHEN.

SEC. 130. No stamp duty shall be payable upon or in respect of any registration, certificate, agreement, award, statutory declaration, or instrument effected, issued, or made under this act:

Provided, That nothing in this section shall apply to the fees of any court payable by means of stamps.

ACT NOT TO APPLY TO CROWN OR GOVERNMENT DEPARTMENTS.

SEC. 131. Except as provided by section 121 hereof, or by the special provisions of any other act, nothing in this act shall apply to the Crown or to any department of the Government of New Zealand.

INDUSTRIAL CONCILIATION AND ARBITRATION AMENDMENT ACT, 1908, No. 239.

SHORT TITLE.

SECTION 1. This act may be cited as the industrial conciliation and arbitration amendment act, 1908, and shall be read together with and deemed to form part of the industrial conciliation and arbitration act, 1908 (hereinafter referred to as "the principal act").

ACT IN EFFECT.

SEC. 2. This act shall come into operation on the 1st day of January, 1909.

Part I. Strikes and lockouts.

DEFINITION OF "STRIKE."

SEC. 3. (1) In this act the term "strike" means the act of any number of workers who are or have been in the employment whether of the same employer or of different employers in discontinuing that employment, whether wholly or partially, or in breaking their contracts of service, or in refusing or failing after any such discontinuance to resume or return to their employment, the said discontinuance, breach, refusal, or failure being due to any combination, agreement, or common understanding, whether express or implied, made or entered into by the said workers:

(a) With intent to compel or induce any such employer to agree to terms of employment, or comply with any demands made by the said or any other workers; or

(b) With intent to cause loss or inconvenience to any such employer in the conduct of his business; or

(c) With intent to incite, aid, abet, instigate, or procure any other strike; or
(d) With intent to assist workers in the employment of any other employer to compel or induce that employer to agree to terms of employment or comply with any demands made upon him by any workers.

(2) In this act the expression "to strike" means to become a party to a strike, and the term "striker" means a party to a strike.

DEFINITION OF "LOCKOUT."

SEC. 4. In this act the term "lockout" means the act of an employer in closing his place of business or suspending or discontinuing his business or any branch thereof:

(a) With intent to compel or induce any workers to agree to terms of employment or comply with any demands made upon them by the said or any other employer; or

(b) With intent to cause loss or inconvenience to the workers employed by him or to any of them; or

(c) With intent to incite, aid, abet, instigate, or procure any other lockout; or

(d) With intent to assist any other employer to compel or induce any workers to agree to terms of employment or comply with any demands made by him.

PENALTIES.

SEC. 5. (1) When a strike takes place in any industry every worker who is or becomes a party to the strike and who is at the commencement of the strike bound by any award or industrial agreement affecting that industry shall be liable to a penalty not exceeding £10 (\$48.67).

(2) When a lockout takes place in any industry every employer who is or becomes a party to the lockout and who is at the commencement of the lockout bound by any award or industrial agreement affecting that industry shall be liable to a penalty not exceeding £500 (\$2,433.25).

(3) No worker or employer shall be liable to more than one penalty in respect of the same strike or lockout, notwithstanding the continuance thereof.

(4) No proceedings shall be commenced or continued under this section against any worker or employer who is a party to a strike or lockout if judgment has already been obtained under the next succeeding section in respect of the same strike or lockout against any industrial union or industrial association of which the worker or employer is a member.

OFFENSES BY PERSONS NOT PARTIES TO STRIKE OR LOCKOUT.

SEC. 6. (1) Every person who incites, instigates, aids, or abets an unlawful strike or lockout or the continuance of any such strike or lockout, or who incites, instigates, or assists any person to become a party to any such strike or lockout, is liable, if a worker, to a penalty not exceeding £10 (\$48.67), and if an industrial union, industrial association, trade-union, employer, or any person other than a worker, to a penalty not exceeding £200 (\$973.30).

(2) Every person who makes any gift of money or other valuable thing to or for the benefit of any person who is a party to any unlawful strike or lockout, or to or for the benefit of any industrial union, industrial association, trade-union, or other society or association of which any such person is a member, shall be deemed to have aided or abetted the strike or lockout within the meaning of this section, unless he proves that he so acted without the intent of aiding or abetting the strike or lockout.

(3) When a strike or lockout takes place, and a majority of the members of any industrial union or industrial association are at any time parties to the strike or lockout, the said union or association shall be deemed to have instigated the strike or lockout.

(4) In this section the term "unlawful strike" means a strike of any workers who are bound at the commencement of the strike by an award or industrial agreement affecting the industry in which the strike arises.

(5) In this section the term "unlawful lockout" means a lockout by any employer who is bound at the commencement of the lockout by an award or industrial agreement affecting the industry in which the lockout occurs.

RECOVERY OF PENALTIES.

SEC. 7. Every penalty hereinbefore referred to shall be recoverable at the suit of an inspector of awards in the same manner as a penalty for a breach of an award and not otherwise, and all the provisions hereinafter in this act contained with respect to the enforcement of an award shall, so far as applicable, apply accordingly.

SPECIAL PENALTIES IN SPECIFIED INDUSTRIES.

SEC. 8. [Repealer only.]

SEC. 9. (1) If any person employed in any of the industries to which this section applies strikes without having given to his employer, within one month before so striking, not less than 14 days' notice in writing, signed by him, of his intention to strike, or strikes before the expiry of any notice so given by him, the striker shall be liable on summary conviction before a magistrate to a fine not exceeding £25 (\$121.66).

(2) If any employer engaged in any of the industries to which this section applies locks out without having given to his employees, within one month before so locking out, not less than 14 days' notice in writing of his intention to lock out, or locks out before the expiry of any notice so given by him, such employer shall be liable on summary conviction before a magistrate to a fine not exceeding £500 (\$2,433.25).

(3) This section applies to the following industries:

- (a) The manufacture or supply of coal gas;
- (b) The production or supply of electricity for light or power;
- (c) The supply of water to the inhabitants of any borough or other place;
- (d) The supply of milk for domestic consumption;
- (e) The slaughtering or supply of meat for domestic consumption;
- (f) The sale or delivery of coal, whether for domestic or industrial purposes;
- (g) The working of any ferry, tramway, or railway used for the public carriage of goods or passengers.

(4) Every person who incites, instigates, aids, or abets any offense against this section, or who incites, instigates, or assists any person who has struck or locked out in breach of this section to continue to be a party to the strike or lockout shall be liable, on summary conviction before a magistrate, to a fine not exceeding in the case of a worker £25 (\$121.66), or in the case of an industrial union, industrial association, trade-union, employer, or any person other than a worker £500 (\$2,433.25).

(5) Nothing in this section shall affect any liability under section 5 or section 6 of this act, save that when a judgment or conviction has been obtained against any person under any one of those sections no further proceedings shall be taken or continued against him under any other of those sections in respect of the same act.

SUSPENSION OF REGISTRATION OF UNION.

SEC. 10 (as amended by Act No. 33, 1911). (1) When an industrial union or industrial association of workers is convicted under section 9 of this act of having incited, instigated, aided, or abetted a strike by any of its members in breach of that section, or the continuance by any of its members of a strike commenced in breach of that section, or when judgment is obtained under section 6 of this act against an industrial union or industrial association of workers for a penalty incurred by it for inciting, instigating, aiding, or abetting a strike by any of its members, or the continuance of any such strike, or for inciting, instigating, or assisting any person to become a party to any such strike, the court in which the conviction or judgment is obtained may in the said conviction or judgment order that the registration of the union or association shall be suspended for such period as the court thinks fit, not exceeding two years.

(2) During any such period of suspension the said union or association shall be incapable of instituting or continuing or of being a party to any conciliation or arbitration proceedings under the principal act or this act, or of entering into any industrial agreement, or of taking or continuing any proceedings for the enforcement of an award or industrial agreement, or of making any application for the cancellation of its registration.

(3) During any such period of suspension the operation of any award or industrial agreement in force at any time during that period shall be suspended so far as the award or industrial agreement applies to persons who are members of that union or association or who were members thereof at the time when the offense was committed in respect of which the said judgment or conviction was given or obtained, and also so far as the award or industrial agreement applies to the employers of any such persons:

Provided, That in making the order of suspension the court may limit the operation of this subsection to any industrial district or districts, or to any portion thereof.

(4) During any period of such suspension no new industrial union or industrial association of workers shall be registered in the same industrial district in respect of the same industry.

(5) The industrial union or industrial association against which any such order of suspension is made may appeal therefrom in the same manner as from the judgment or conviction in respect of which the order is made, and on any such appeal the court in which it is heard may confirm, vary, or quash the order of suspension and may make such order as to the costs of the appeal as the said court thinks fit.

(6) The variation or quashing of an order of suspension on appeal shall take effect as from the date on which the order is so varied or quashed, and not as from the date of the order.

(7) Every judgment or conviction in respect of which any such order of suspension is made shall be subject to appeal to the court of arbitration, whether on a point of law or fact, whatever may be the amount of that judgment or of the fine imposed by that conviction.

Sec. 11. [Repealer only.]

Part II. Enforcement of awards and industrial agreements.

APPLICATION OF PROVISIONS.

Sec. 12. This part of this act applies to all awards and industrial agreements whether made before or after the commencement of this act, and to all breaches of awards or industrial agreements whether committed before or after the commencement of this act, save that all proceedings for the enforcement of any award or industrial agreement which are pending at the commencement of this act may be continued in the same manner as if this act had not been passed.

PENALTIES.

Sec. 13. (1) Every industrial union, industrial association, or employer who commits a breach of an award or industrial agreement shall be liable to a penalty not exceeding £100 (\$486.65) in respect of every such breach.

(2) Every worker who commits a breach of an award or industrial agreement shall be liable to a penalty not exceeding £5 (\$24.33) in respect of every such breach.

RECOVERY OF PENALTIES.

Sec. 14. (1) Subject to the provisions of section 21 hereof, every such penalty shall be recoverable by action in a magistrate's court, and not otherwise.

(2) Every such action may be brought in any magistrate's court in any industrial district in which the award or industrial agreement is in force or in which the cause of action or any part thereof arose, and shall be heard and determined by a magistrate only.

(3) Every such action may be brought at the suit of an inspector of awards or at the suit of any party to the award or industrial agreement.

(4) A claim for two or more penalties against the same defendant may be joined in the same action, although the aggregate amount so claimed may be in excess of the jurisdiction of the magistrate's court in an ordinary action for the recovery of money.

(5) No court fees shall be payable in respect of any such action.

(6) No industrial union or industrial association shall be capable of bringing any such action until a resolution to that effect has been passed at a meeting of the members of the union or association, in accordance with the rules thereof.

(7) In every such action the summons shall be served on the defendant at least five clear days before the day of the hearing of the action.

DEFENDANT TO GIVE NOTICE.

Sec. 15. Unless within two clear days before the day of the hearing of any such action the defendant delivers to the plaintiff or to the clerk of the magistrate's court a notice of his intention to defend the action he shall not be entitled to defend the same except with the leave of the magistrate, and the magistrate may without hearing evidence give judgment for the plaintiff.

POWERS OF MAGISTRATE.

SEC. 16. In any such action the magistrate may give judgment for the total amount claimed, or any greater or less amount as he thinks fit (not exceeding in respect of any one breach the maximum penalty hereinbefore prescribed), or, if he is of opinion that the breach proved against the defendant is trivial or excusable, the action may be dismissed, and in any case he may give such judgment as to costs as he thinks fit.

APPLICATION OF PENALTIES RECOVERED.

SEC. 17. (1) Every penalty recovered in any such action shall be recovered by the plaintiff to the use of the Crown, and the amount thereof shall, when received by the plaintiff, be paid into the public account.

(2) When the plaintiff is any person other than an inspector of awards the amount of the penalty shall be paid into court or to an inspector of awards and not to the plaintiff, and shall thereupon be paid by the clerk of the court or by the said inspector into the public account.

MAGISTRATE MAY STATE CASE.

SEC. 18. In any such action the magistrate may, if he thinks fit, before giving judgment, state a case for the opinion of the court of arbitration and may thereupon adjourn the hearing or determination of the action.

APPEAL TO COURT OF ARBITRATION.

SEC. 19 (as amended by Act No. 33, 1911). (1) Any party to any such action may, if the amount of the claim is not less than £5 (\$24.33), appeal to the court of arbitration against the judgment of the magistrate in that action.

(2) Except as provided by this section, there shall be no appeal from the judgment of the magistrate in any such action.

(3) On any appeal under this section the court of arbitration shall have the same powers as the supreme court has in respect of an appeal from a magistrate's court, and the determination of the court of arbitration shall be final.

(4) In respect of any such appeal sections 153 to 158 and sections 160 and 161 of the magistrates' courts act, 1908, shall (subject to the provisions of this section) apply, and shall be read as if the references therein to the supreme court were references to the court of arbitration.

(5) No such action shall be removed into the supreme court.

ENFORCEMENT OF JUDGMENT.

SEC. 20. The judgment in any such action shall be enforceable in the same manner as a judgment for debt or damages in the magistrate's court, and in no other manner:

Provided, That, notwithstanding anything to the contrary in section 27 of the wages protection and contractors' liens act, 1908, where application is made in pursuance of any such judgment for the attachment of the wages of any worker an order of attachment may be made in respect of the surplus of his wages above the sum of £2 (\$9.73) a week in the case of a worker who is married or is a widower or widow with children, or above the sum of £1 (\$4.87) a week in the case of any other worker:

Provided also, That, for the purpose of any such application for attachment, all wages which may at any time thereafter become due to the judgment debtor by any employer, although they are not yet earned or owing, and whether they become due in respect of any contract of service existing at the time of the application or made at any later time, shall be deemed to be a debt accruing to the judgment debtor within the meaning of the provisions of the magistrates' courts act, 1908, relating to the attachment of debts; and on the making of any order of attachment in respect of such wages the employer shall pay into court from time to time as those wages become due and payable such sum as is sufficient to satisfy the charge imposed thereon by the order of attachment:

Provided also, That no charge upon or assignment of his wages, whenever or however made, by any worker shall have any force whatever to defeat or

affect an attachment, and an order of attachment may be made and shall have effect as if no such charge or assignment existed:

Provided also, That no proceedings shall be taken under the imprisonment for debt limitation act, 1908, against any person for failing or refusing to pay any penalty or other sum of money due by him under this act.

RECOVERY OF PENALTIES.

SEC. 21. (1) Notwithstanding anything hereinbefore contained, any action for the recovery of a penalty under this act may be brought by an inspector of awards in the court of arbitration instead of in a magistrate's court.

(2) The decision of the court of arbitration in any such action shall be final.

PROCEDURE.

(3) The procedure in actions so brought in the court of arbitration shall be determined by regulations to be made by the governor in council in pursuance of this act.

(4) The provisions of sections 15, 16, and 17 of this act shall, so far as applicable, extend and apply to any action so brought in the court of arbitration, and shall in respect of any such action be read as if every reference in those sections to a magistrate was a reference to the court of arbitration, and as if every reference therein to the clerk of the magistrate's court was a reference to the registrar of the court of arbitration.

(5) A certificate of the judgment of the court of arbitration in any such action, under the hand of the registrar of that court, specifying the amount payable under the judgment and the parties thereto, may be filed in any magistrate's court or magistrates' courts, and the said judgment shall thereupon be deemed to be a judgment duly recovered in an action for a penalty under this act in the court or in each of the courts in which a certificate has been so filed, and shall be enforceable in all respects accordingly.

GOVERNOR MAY MAKE REGULATIONS.

SEC. 22. The governor may by order in council make regulations, consistent with this act, prescribing the procedure in actions brought under the foregoing provisions of this act and in appeals to the court of arbitration.

ENFORCEMENT OF CERTIFICATE OF COURT.

SEC. 23. When an order for the payment of money is made by the court of arbitration, and no other provisions for the enforcement of that order are contained in this act or in the principal act, a certificate under the hand of the registrar of the said court, specifying the amount payable and the persons by and to whom it is payable, may be filed in any magistrate's court, and shall thereupon be enforceable in the like manner as a judgment given by the last-mentioned court in an action for the recovery of a debt.

JUDGMENT RECOVERABLE FROM MEMBERS OF UNION OR ASSOCIATION.

SEC. 24. If in any action judgment is given under the foregoing provisions of this act, whether by a magistrate's court or by the court of arbitration, against an industrial union or industrial association, and is not fully satisfied within one month thereafter, all persons who were members of the said industrial union or industrial association at the time when the offense was committed in respect of which the judgment was given shall be jointly and severally liable on the judgment in the same manner as if it had been obtained against them personally, and all proceedings in execution or otherwise in pursuance of the judgment may be taken against them or any of them accordingly, save that no person shall be liable under this section for a larger sum than £5 (\$24.33).

UNSATISFIED JUDGMENT NOT A BAR TO ACTION.

SEC. 25. Judgment recovered at the suit of any person for a penalty under this act shall not, until and unless it is fully satisfied, be a bar to any other action at the suit of any other plaintiff for the recovery of the same penalty.

ACTION WITHIN SIX MONTHS.

SEC. 26. No action shall be commenced for the recovery of any penalty under this act save within six months after the cause of action has arisen.

Part III. Conciliation.

PASSING OF CONCILIATION BOARDS.

SEC. 27. (1) After the commencement of this act no industrial dispute shall be referred to any board of conciliation under the principal act.

(2) In the case of an industrial dispute which at the commencement of this act has already been referred to a board of conciliation, further proceedings for the settlement of that dispute shall be taken in the same manner as if this act had not been passed.

(3) After the commencement of this act no person shall be elected or appointed as a member of a board of conciliation; and all persons theretofore so elected or appointed shall retire from office on the expiration of the term for which they were elected or appointed.

DISPUTES REFERRED TO COUNCILS OF CONCILIATION.

SEC. 28. (1) After the commencement of this act no industrial dispute shall be referred to the court until it has been first referred to a council of conciliation in accordance with the provisions hereinafter contained.

(2) Every party to a dispute so referred to a council of conciliation shall be either an industrial union, an industrial association, or an employer.

APPOINTMENT OF CONCILIATION COMMISSIONERS.

SEC. 29. (1) The governor may from time to time appoint such persons as he thinks fit (not exceeding four in number) as conciliation commissioners (hereinafter referred to as "commissioners") to exercise the powers and jurisdiction hereinafter set forth.

(2) Every commissioner shall be appointed for a period of three years, but may be reappointed from time to time, and may at any time be removed from office by the governor.

(3) Every commissioner shall exercise his jurisdiction within such industrial district or districts as may be from time to time assigned to him by the governor by order in council.

(4) Every commissioner shall receive such salary or other remuneration as is from time to time appropriated by Parliament for that purpose.

(5) If on or before the expiry of the term of office of any commissioner he is reappointed to that office, all proceedings pending before him or before and council of conciliation of which he is a member may be continued and completed as if he had held office continuously.

(6) If from any cause any commissioner is unable to act, the governor may appoint some other person to act in his stead during the continuance of such inability, and while so acting the person so appointed shall have all the powers and jurisdiction of the commissioner in whose stead he is acting.

(7) If any commissioner dies or resigns his office, or is removed from office, or if his term of office expires without reappointment, all proceedings then pending before him or before any council of conciliation of which he is a member may be continued before his successor or before the said council, as the case may be, and for this purpose his successor shall be deemed to be a member of that council, and all the powers and jurisdiction vested in the first-mentioned commissioner as a member of that council shall vest in his successor accordingly.

(8) When in any case no commissioner is immediately available to deal with any dispute which has arisen, the governor may appoint some person to act as a commissioner for the purpose of dealing with such dispute, and while so acting the person so appointed shall have all the powers and jurisdiction of a commissioner, and any commissioner so appointed shall be paid such fees as may be fixed by regulation.

(9) No appointment made in pursuance or intended pursuance of subsection five or subsection seven of this section shall in any court or in any proceedings be questioned or invalidated on the ground that due occasion for the appointment has not arisen or has ceased.

APPLICATION TO REFER DISPUTE TO COUNCIL OF CONCILIATION.

SEC. 30. (1) Any industrial union, industrial association, or employer, being a party to an industrial dispute, may make application in the prescribed form to the commissioner exercising jurisdiction within the industrial district in which the dispute has arisen that the dispute may be heard by a council of conciliation.

(2) No such application shall be made by an industrial union or industrial association unless the proposed application has been approved by the members in manner provided by section one hundred and seven of the principal act.

(3) Two or more industrial unions, industrial associations, or employers may join in making a joint application in respect of the same dispute.

(4) Every application made under this section shall state:

(a) The name of the union, association, or employer making the application (hereinafter, together with any other unions, associations, or employers subsequently joined as applicants, termed "the applicants");

(b) The name of all industrial unions, industrial associations, and employers whom the applicants desire to be made parties to the proceedings (hereinafter, together with any other unions, associations, or employers subsequently joined as respondents, termed "the respondents");

(c) A general statement of the nature of the dispute;

(d) A detailed statement of the claims made by the applicants against the respondents in the matter of the dispute;

(e) The proposed number of persons (being either one, two, or three) whom the applicants desire to be appointed on the recommendation of the applicants as assessors to sit with the commissioner in the hearing and settlement of the dispute;

(f) The names of the persons so recommended by the applicants;

(5) Every person so recommended as an assessor must be or have been actually and bona fide engaged or employed either as an employer or as a worker in the industry, or in any one of the industries, in respect of which the dispute has arisen (whether in the same or in another industrial district):

Provided, That if in any case, by reason of the special circumstances of that case, the commissioner is of opinion that it is impracticable or inexpedient that all the assessors should be persons so qualified, he may appoint as one of their assessors, on the recommendation of the applicants, a person who is not so qualified.

(6) Any person so recommended as an assessor may be one of the parties to the dispute, or may be a member of an industrial union or industrial association which is a party to the dispute.

(7) If the commissioner to whom the application is made is of opinion that any person so recommended is not duly qualified in accordance with this act, he shall reject the recommendation, and the applicants shall then recommend some other qualified person in his place. The provisions of subsection 2 of this section shall not apply to any such substituted recommendation. The decision of the commissioner as to the qualification of any person recommended as an assessor shall be final.

(8) If and as soon as the commissioner is satisfied that the proposed number of qualified persons have been so recommended by the applicants, he shall by writing under his hand appoint those persons as assessors for the purpose of the said application.

HEARING DISPUTES.

SEC. 31. So soon as assessors have been nominated in manner aforesaid the commissioner shall appoint a day and place for the hearing of the dispute, and shall in the prescribed form and manner cite the respondents to attend at the hearing thereof, and in the meantime to recommend qualified persons for appointment as assessors at the said hearing, equal in number to the number so appointed on the recommendation of the applicants.

QUALIFICATION AND APPOINTMENT OF ASSESSORS.

SEC. 32. (as amended by Act No. 33, 1911). (1) The foregoing provisions as to the qualification of assessors recommended by the applicants shall also apply to assessors recommended by the respondents.

(2) If the commissioner is of opinion that any person so recommended by the respondents is not duly qualified in accordance with this act he shall reject the

recommendation and shall require the respondents to recommend some other qualified person and so also in the case of any such subsequent recommendation, and the decision of the commissioner as to the qualification of any person so recommended shall be final.

(3) If and as soon as the commissioner is satisfied that qualified persons to the required number have been recommended by the respondents, he shall by writing under his hand appoint those persons as assessors for the purposes of the application.

(4) Unless the respondents recommend the required number of qualified persons as assessors at least three clear days before the day appointed for the hearing of the dispute, the commissioner shall forthwith appoint on behalf of the respondents such number of qualified persons as is necessary to supply the full number of assessors required.

(5) The recommendation of the assessors by the respondents shall be in writing signed by or on behalf of the respondents. If they can not agree in the recommendation of assessors, separate recommendations may be made by the several respondents, and in that case the commissioner may appoint as assessors such of the qualified persons so recommended as he thinks fit.

CONSTITUTION OF COUNCIL.

Sec. 33. (1) On the appointment of assessors in accordance with the foregoing provisions, the commissioner together with the said assessors shall be and constitute a council of conciliation (hereinafter referred to as the council), having the powers and functions hereinafter provided.

(2) The assessors shall be entitled to receive out of the consolidated fund such fees as are prescribed by regulations.

(3) The validity or regularity of the appointment of any assessor by a commissioner shall not be questioned in any court or in any proceedings.

VACANCY IN COUNCIL.

Sec. 34. (1) If at any time before the council has completely exercised the powers vested in it by this act any assessor dies, or resigns his office, or is proved to the satisfaction of the commissioner to be unable by reason of sickness or any other cause to act as assessor, the commissioner may, on the recommendation of the applicants or respondents, as the case may be, appoint some other qualified person as an assessor in lieu of the assessor so dying or resigning his office or becoming unable to act.

(2) If the applicants or respondents, as the case may be, can not agree on any such recommendation, they may make separate recommendations, and the commissioner may thereupon appoint as an assessor such one of the qualified persons so recommended as he thinks fit.

(3) The powers and functions of the council shall not be affected by any such vacancy in the number of assessors, and during any such vacancy the council may, so far as it thinks fit so to do, exercise all its powers and functions in the same manner as if it were fully constituted.

POWERS AND DUTIES OF COUNCIL.

Sec. 35. (1) It shall be the duty of the council to endeavor to bring about a settlement of the dispute, and to this end the council shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and the right settlement thereof.

(2) In the course of the inquiry the council shall make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to a fair and amicable settlement of the dispute.

(3) The procedure of the council shall in all respects be absolutely in the discretion of the council, and the council shall not be bound to proceed with the inquiry in any formal manner, or formally to sit as a tribunal, or to hear any addresses or evidence save such as the council deems necessary or desirable.

(4) The council may on the inquiry hear any evidence that it thinks fit, whether such evidence would be legally admissible in a court of law or not.

(5) The inquiry shall be either public or private, as the council thinks fit.

(6) Meetings of the council shall be held from time to time at such time and at such places within the industrial district in which the dispute has arisen as the commissioner appoints.

(7) No such meeting shall be duly constituted unless the commissioner is present thereat, but the absence of any of the assessors shall not prevent the exercise by the council of any of its powers or functions.

(8) In all matters other than the making of a recommendation for the settlement of a dispute the decision of a majority of the assessors present at a meeting of the council shall be deemed to be the decision of the council; but if the assessors present are equally divided in opinion, the commissioner shall have a casting vote, and the decision of the council shall be determined accordingly.

(9) A record of the proceedings of every council of conciliation shall be made and preserved in manner prescribed by regulations, or, in default of such regulations, in such manner as the commissioner thinks fit.

(10) The commissioner shall have the same power of summoning witnesses and of taking evidence on oath, and of requiring the production of books and papers, as if the inquiry were the hearing of a complaint heard before a justice of the peace under the justices of the peace act, 1908, and all evidence given on oath before the council shall for all purposes be deemed to have been given in a judicial proceeding before a court of competent jurisdiction.

(11) No person shall be bound at any inquiry before the council to give evidence with regard to trade secrets, profits, losses, receipts, or outgoings in his business, or with respect to his financial position, or to produce the books kept by him in connection with his business.

(12) If any person desires to give any such evidence as is mentioned in the last preceding subsection, or to produce any such books as aforesaid, he may, if the commissioner thinks fit, do so in the presence of the commissioner alone sitting without the assessors; and in such case the commissioner shall not disclose to the assessor, or to any other person, the particulars of the evidence so given or of the books so produced, but may inform the assessors whether or not, in his opinion, any claim or allegation made by the applicants or respondents in the inquiry is substantiated by the said evidence or the said books.

PARTIES TO DISPUTE MAY APPEAR BEFORE COUNCIL.

SEC. 36. (1) An employer, being a party to the dispute, may appear before the council in person or by his agent duly appointed in writing in that behalf.

(2) An industrial union or industrial association, being a party to a dispute, may appear before the council by its chairman or secretary, or by any number of persons (not exceeding three) appointed in writing by the chairman or appointed in such other manner as its rules prescribe.

(3) No barrister or solicitor, whether acting under a power of attorney or otherwise, shall be allowed to appear or be heard before the council.

ABSENCE OF PARTIES.

SEC. 37. If any or all of the applicants or respondents fail or refuse to attend or to be represented at the inquiry, the council may nevertheless proceed with the inquiry in the same manner so far as practicable as if all the said parties were present or represented.

COMMISSIONER MAY JOIN OR STRIKE OUT PARTIES.

SEC. 38. The commissioner may at any time before or during the inquiry make an order joining any industrial union, industrial association, or employer as an applicant or respondent or striking out the name of any industrial union, industrial association, or employer as an applicant or respondent.

TERMS OF SETTLEMENT TO FORM INDUSTRIAL AGREEMENT.

SEC. 39. If a settlement of the dispute is arrived at by the parties in the course of the inquiry, the terms of the settlement shall be set forth as an industrial agreement, which shall be duly executed by the parties or their attorneys, and all the provisions of the principal act and of this act with respect to industrial agreements shall apply to any such agreement accordingly.

PROVISIONAL ARRANGEMENT.

SEC. 40. If no settlement of the dispute is arrived at by the parties in the course of the inquiry, the council shall endeavor to induce the parties to agree

to some temporary and provisional arrangement until the dispute can be determined by the court of arbitration.

VOLUNTARY SETTLEMENT.

SEC. 41. The commissioner may at any time, if he thinks fit, after application has been made to him under section 30 of this act, and whether assessors have been appointed or not take such steps as he deems advisable, whether by way of a conference between the applicants and respondents or otherwise, with intent to procure a voluntary settlement of the dispute.

NOTICE OF FAILURE TO SETTLE DISPUTE.

SEC. 42. (1) Not earlier than one month or later than two months after the date fixed in pursuance of section 30 [31?] hereof for the hearing of the dispute, the council shall, unless a settlement of the dispute has been sooner arrived at by the parties and embodied in an industrial agreement duly executed in manner aforesaid, deliver to the clerk of awards for the industrial district in which the dispute has arisen a notification under the hand of the commissioner that no settlement of the dispute has been arrived at.

(2) The notification shall be accompanied by a copy of the application made to the council by the applicants, together with a record of the proceedings of the council, every such copy and record being under the hand of the commissioner.

RECOMMENDATION OF COUNCIL.

SEC. 43. (1) Before delivering any such notification to the clerk of awards the council may make such recommendation for the settlement of the dispute according to the merits and substantial justice of the case as the council thinks fit, and may state in the recommendation whether, in the opinion of the council, the failure of the parties to arrive at a settlement was due to the unreasonableness or unfairness of any of the parties to the dispute.

(2) No such recommendation shall be made unless it is unanimously agreed to by all the assessors, and the commissioner shall have no vote in respect of the making or nature of any such recommendation.

(3) The recommendation of the council shall be signed by all the assessors, and shall be delivered to the clerk of awards under the hand of the commissioner, together with the notification.

(4) The recommendation of the council shall be published by the clerk of awards in such manner as may be prescribed.

(5) The recommendation of the council shall in no case have any binding force or effect, but shall operate merely as a suggestion for the amicable settlement of the dispute by mutual agreement, and as a public announcement of the opinion of the council as to the merits of the dispute.

MEMORANDUM OF PARTIAL SETTLEMENT.

SEC. 44. (1) If before the delivery of the notification of the council to the clerk of awards as aforesaid a partial settlement of the dispute is arrived at by all the parties thereto, the terms of that partial settlement may be reduced to writing, executed by all the parties thereto or their attorneys or representatives; and such writing (hereinafter termed a memorandum of partial settlement) shall be delivered by the council to the clerk of awards, together with the notification aforesaid and the recommendation (if any) made by the council.

(2) No such memorandum of partial settlement shall in itself have any binding force or effect, but the court of arbitration may, if it thinks fit, in making its award in accordance with the provisions hereinafter contained in that behalf, incorporate in the award the terms of the said memorandum, or any of those terms, without making inquiry into the matters to which those terms relate.

COUNCIL MAY STATE CASE.

SEC. 45. The council may at any time state a case for the advice or opinion of the court of arbitration.

SEC. 46. [Repealed.]

POWERS OF COURT.

SEC. 47. (1) When an industrial dispute has been referred to the court in pursuance of this act, the court shall have the same jurisdiction in the matter of that dispute as if the same had been referred to the court by the applicants in pursuance of the principal act after a reference to a board of conciliation, and all the provisions of the principal act shall, so far as applicable, apply accordingly.

(2) Subject to the provisions of the principal act as to the joinder or striking out of parties, the parties to the proceedings before the court shall be the same as in the proceedings before the council.

SEC. 48. [Repealer only.]

REGULATIONS.

SEC. 49. The governor may from time to time, by order in council, make such regulations as he deems necessary for carrying this part of this act into effect.

PROVISIONS OF PRINCIPAL ACT APPLYING TO COUNCILS.

SEC. 50 (as amended by Act No. 33, 1911). (1) The following sections of the principal act (referring to boards of conciliation) shall extend and apply to councils of conciliation under this act—namely, sections 108, 113, 114, 115, and 120.

(2) In those sections every reference to a board shall be read as a reference to a council of conciliation.

(3) For the purposes of those sections a dispute shall be deemed to have been referred to a council of conciliation so soon as the council is fully constituted in accordance with this act.

SECS. 51 to 60. [Amend the principal act.]

ACCEPTANCE OF WAGES A BAR TO ACTION.

SEC. 61. When any payment of wages has been made to, and accepted by a worker at a less rate than that which is fixed by any award or industrial agreement, no action shall be brought by the worker against his employer to recover the difference between the wages so actually paid and the wages legally payable, save within three months after the day on which the wages claimed in the action became due and payable.

CERTIFICATE OF LABOR DEPARTMENT A PROOF OF AGE.

SEC. 62. Where by any award or industrial agreement the age at which young persons may be employed is limited, or the wages payable to young persons of certain ages are fixed, then, in so far as the employer is concerned, it shall be sufficient proof of the age of any young person desiring employment if he produces to the employer a certificate of age granted by an official of the labor department; and in any proceedings against an employer who has acted in reliance on any such certificate for a breach of the award or industrial agreement the certificate shall be conclusive proof of the age of the young person so employed.

COPY OF AWARD TO BE POSTED.

SEC. 63. (1) In the case of any factory or shop to which any award or industrial agreement relates a printed or typewritten copy of the award or industrial agreement shall at all times be kept affixed in some conspicuous place at or near the entrance of the factory or shop in such a position as to be easily read by the persons employed therein.

(2) For any breach of the provisions of this section the occupier of the said factory or shop shall be liable to a fine not exceeding £5 (\$24.33) on summary conviction on the information of an inspector of awards.

(3) In this section the terms "factory" and "shop" have the same meanings as in the factories act, 1908, and the shops and offices act, 1908, respectively.

SEC. 64. [Repealer only.]

SEC. 65. [Transitory and obsolete.]

SEC. 66. [Amends principal act.]

EXTENSION OF APPLICATION OF INDUSTRIAL AGREEMENT.

SEC. 67. Whenever it is proved to the court that an industrial agreement (whether made before or after the commencement of this act) is binding on employers who employ a majority of the workers in the industry to which it relates in the industrial district in which it was made, the court may, if it thinks fit, on the application of any party to that agreement or of any person bound thereby, make an order extending the operation of that agreement to all employers who are or who at any time after the making of the said order become engaged in the said industry in the said district, and all such employers shall thereupon be deemed to be parties to the said agreement, and shall be bound thereby so long as it remains in force.

VALIDATION OF PROCEEDINGS, ETC.

SEC. 68. (1) If anything which is required or authorized to be done by the principal act or by this act is not done within the time limited for the doing thereof, or is done informally, the court of arbitration may, if it thinks fit in its discretion, on the application of any person interested, make an order extending the time within which the thing may be done or validating the thing so informally done.

(2) Nothing in this section shall apply so as to authorize the court of arbitration to make any such order in respect of judicial proceedings theretofore already instituted in any court other than the court of arbitration.

AWARDS PREVAIL OVER CONTRACTS.

SEC. 69. Every award or industrial agreement shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award or industrial agreement so far as there is any inconsistency between the award or industrial agreement and the contract; and the contract shall thereafter be construed and have effect as if the same had been modified, so far as necessary, in order to conform to the award or industrial agreement.

COURT MAY FIX DATE OF AWARD.

SEC. 70. In making its award the court may, if in its discretion it thinks fit, direct that any provision of the award relating to the rate of wages to be paid shall have effect as from such date prior to the date of the award as the court thinks fit.

TO WHOM AWARDS AND AGREEMENTS APPLY.

SEC. 71. No award or industrial agreement made after the commencement of this act shall affect the employment of any worker who is employed otherwise than for the direct or indirect pecuniary gain of the employer:

Provided, That this section shall not be deemed to exempt any local authority or body corporate from the operation of any award or industrial agreement.

COURT MAY REFUSE TO MAKE AWARD.

SEC. 72. When an industrial dispute has been referred to the court, the court may, if it considers that for any reason an award ought not to be made in the matter of that dispute, refuse to make an award therein.

CANCELLATION OF REGISTRATION.

SEC. 73. (1) Notwithstanding anything in section 21 of the principal act, the cancellation under that section of the registration of an industrial union shall not be prevented by the pendency of any conciliation or arbitration proceedings, if the application for cancellation has been made to the registrar before the commencement of the said proceedings.

(2) The said section and this section shall extend and apply to conciliation proceedings before a council of conciliation under this act.

(3) For the purposes of this section conciliation proceedings before a council of conciliation shall be deemed to have commenced so soon as the commissioner has appointed assessors on the recommendation of the applicants, and shall be

deemed to have ceased so soon as the notification of the council has been delivered to the clerk of awards, or the dispute has been settled by an industrial agreement.

(4) For the purposes of the said section and this section arbitration proceedings shall be deemed to be pending and in progress so soon as the notification of the council has been delivered to the clerk of awards.

EFFECT OF SUBSEQUENT LEGISLATION.

SEC. 74. (1) The provisions of an award or industrial agreement shall continue in force until the expiration of the period for which it was made, notwithstanding that before such expiration any provision inconsistent with the award or industrial agreement is made by any act passed after the commencement of this act, unless in that act the contrary is expressly provided.

(2) On the expiration of the said period the award or industrial agreement shall, during its further subsistence, be deemed to be modified in accordance with the law then in force.

AN ACT TO AMEND THE INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1908-1910, No. 68.

The only matters of general effect are found in sections 3 and 4, which read as follows:

SEC. 3. The court may in its discretion waive any technical irregularity or omission which may have occurred in the submission of a dispute to the court: *Provided*, That the provisions of the act referring to the particular matter in regard to which the irregularity or omission has occurred have been substantially complied with.

SEC. 4. (1) One person may be at the same time a judge of the supreme court and the judge of the court of arbitration; but any person who holds both of these offices shall give priority to the duties imposed upon him as judge of the court of arbitration.

(2) Such person, while holding both positions, shall be paid only the salary of a judge of the supreme court.

(3) Such person shall not be entitled, without the consent of the governor in council, to resign one of such positions without at the same time resigning the other also.

(4) [Relates to superannuation of judges.]

(5) [Adds one judge to the civil list.]

INDUSTRIAL CONCILIATION AND ARBITRATION ACT, 1911, No. 33.

CANCELLATION OF REGISTRATION NOT TO AFFECT AWARD, ETC.

SEC. 2. Where the registration of a union or association is canceled for the purpose of the issue of a fresh certificate or of the union or association being registered under a new name, such cancellation shall not affect the operation of any award or industrial agreement in force to which the original union or association was a party.

INDUSTRIAL AGREEMENT MAY BE MADE INTO AWARD.

SEC. 3. Where it is proved to the court that an industrial agreement (whether made before or after the commencement of this act) is binding on employers who employ a majority of the workers in the industry to which it relates in the industrial district in which it was made, the court shall, on the application of any of the parties to the agreement, declare the same to be an award unless, in the opinion of the court, such agreement is, by reason of its provisions, against the public good or is in excess of the jurisdiction of the court.

DISPUTE COVERING MORE THAN ONE INDUSTRIAL DISTRICT.

SEC. 4. (1) Notwithstanding anything to the contrary in the principal act, an industrial association of employers or workers may make application to the court in the first instance for an award to apply to more than one industrial district.

(2) The application shall contain the particulars mentioned in paragraphs (a) to (d) of subsection four of section 30 of the industrial conciliation and arbitration amendment act, 1908, and such of the provisions of that section as are applicable shall extend and apply accordingly.

(3) The application shall be filed with the clerk of awards in each of the industrial districts in which the award is intended to apply.

(4) Notice of the application shall be given in the prescribed form to the parties who it is intended shall be bound by the award.

(5) The application shall be heard at such place or places as the parties may agree on, or, in default of such agreement, as the court, on the application of any party after notice in the prescribed form to the other parties to dispute, directs.

(6) The court may, if it thinks fit, make an award upon such application, and that award shall bind as parties all trades-unions, industrial unions, industrial associations, and employers in all or one or more of the industrial districts for which the application has been filed.

COUNTER PROPOSAL TO BE LODGED.

SEC. 5. (1) Not later than three clear days before the hearing of a dispute the respondents shall lodge with the commissioner a statement in detail admitting such of the claims of the applicants as they desire to admit, or making a counterproposal with respect to the claims of the applicants or some or one of them, and a copy of that statement shall be sent to the applicants by the commissioner.

(2) On the hearing of the dispute no counterproposal by the respondents shall be considered other than those contained in the said statement except with the leave of the commissioner on such terms and conditions as he deems just.

(3) This section shall extend and apply with the necessary modifications to a dispute brought before the court in the first instance pursuant to section four of this act.

PROVISION FOR DOMINION AWARD IN CERTAIN CASES.

SEC. 6. Notwithstanding anything in section 92 of the principal act, the court may, on the application of any party to an award, extend the award so as to join and bind as parties thereto all trade-unions, industrial unions, industrial associations, and employers in New Zealand who are connected with or engaged in the same industry as that to which the award applies:

Provided, That the court shall not act under this section unless it is satisfied that the conditions of employment or of trade are such as make it equitable to do so.

PROCEDURE WHERE NO SETTLEMENT IS ARRIVED AT.

SEC. 7 (as amended by Act No. 7, 1913). (1) When a recommendation of a council of conciliation is filed with the clerk of awards together with the notification that no settlement has been arrived at, the clerk shall, as soon as practicable, give notice in the prescribed form to the parties to the dispute of the filing of the recommendation and of the place where it may be seen, and requiring them if they disagree with the recommendation to signify their disagreement within one month, and, if they so desire, to state reasons for such disagreement.

(2) If within the time aforesaid no notice of disagreement has been filed, the clerk shall as soon as possible thereafter give notice in the prescribed form to the parties of the fact, and the recommendation shall, as from seven days after the date of that notice, operate and be enforceable in the same manner as an industrial agreement duly executed and filed by the parties; and the clerk shall indorse the recommendation accordingly.

(3) If any party to the dispute duly signifies his disagreement with the recommendation, the dispute shall be referred by the clerk to the court for settlement, and thereupon the dispute shall be before the court, and the court may, after hearing any of the parties that have signified their disagreement, incorporate the terms of the recommendation in an award.

(4) If it appears to the court that any reason given for disagreement with the recommendation is trivial or frivolous, it may disregard such disagreement,

and the parties so disagreeing shall be deemed to have concurred in the recommendation.

(5) Where a notification that no settlement has been arrived at has been delivered to the clerk of awards and the council makes no recommendation for the settlement of the dispute, the clerk shall forthwith refer the dispute to the court for settlement, and thereupon the dispute shall be deemed to be before the court.

REFERENCES TO REGISTRAR TO THE COURT TO REFER TO CLERK OF AWARDS.

SEC. 8. In the event of there being no registrar, or of his absence, all references in the principal act to the registrar to the court shall hereafter be deemed to be references to the clerk of awards of the industrial district to which the subject matter relates.

SEC. 9. [Amends principal act.]

AWARDS TO BE IN CONFORMITY WITH STATUTORY PROVISIONS.

SEC. 10. No award of the court shall contain any provision that is inconsistent with any statute which makes special provision for any of the matters before the court.

PERIODICAL SITTINGS OF THE COURT.

SEC. 11. A sitting of the court shall be held in the cities of Auckland, Wellington, Christchurch, and Dunedin at least once in every three months to deal with any disputes which have been referred to the court.

WESTERN AUSTRALIA.

[Act No. 57, 1912.]

AN ACT To amend and consolidate the law relating to the settlement of industrial disputes by arbitration, and for other relative purposes.

PART I. PRELIMINARY.

SHORT TITLE.

SECTION 1. This act may be cited as the industrial arbitration act, 1912, and shall come into operation on a day to be fixed by proclamation.¹

DEFINITIONS.

SEC. 4. In this act, if not inconsistent with the context—

“Court” means the court of arbitration constituted under this act.

“Employer” includes persons, firms, companies, and corporations employing one or more workers.

“Gazette” means the Government Gazette of Western Australia.

“Group of industries” means any number of related industries within the meaning of section fifty-nine.

“Industrial association” means an industrial association registered under this act.

“Industrial dispute” means a dispute in relation to industrial matters arising between an employer or industrial union or association of employers on the one part and an industrial union or association of workers on the other part, and includes any dispute arising out of an industrial agreement and any disagreement, howsoever originating, between an industrial union or association formed or existing for the protection of the interests of workers in any industry and an employer or industrial union or association of employers in relation to any industrial matter connected with any workers engaged in that industry or in any related industry.

“Industrial matters” means all matters affecting or relating to the work, privileges, rights, and duties of employers or workers in any industry, not involving questions which are or may be the subject of proceedings for an in-

¹ Proclaimed to commence Jan. 1, 1913; see Government Gazette of Dec. 24, 1912.

dictable offence; and, without limiting the general nature of the above definition, includes all matters relating to—

(a) The wages, allowances, or remuneration of workers employed or usually employed or to be employed in any industry, or the prices paid or to be paid therein in respect of such employment.

(b) The hours of employment, sex, age, qualification, or status of workers, and the mode, terms, and conditions of employment.

(c) The employment of children or young persons, or of any person or class of persons in any industry or the dismissal of or refusal to employ any person or class of persons therein.

(d) Any established custom or usage of any industry, either generally or in the particular locality affected.

(e) Any claim arising under an industrial agreement.

(f) (i) The persons who may take or become apprentices.

(ii) The number of apprentices that may be taken by any one employer.

(iii) The mode of binding apprentices.

(iv) The terms and conditions of apprenticeship.

(v) The registration of apprentices.

(vi) The examination of apprentices.

(vii) The rights, duties, and liabilities of the parties to any agreement of apprenticeship.

(viii) The assigning or turning over of apprentices; and

(ix) The dissolution of apprenticeships.

(g) The interpretation of any industrial agreement.

"Industrial union" means an industrial union registered under this act.

"Industry" includes—

(a) Any business, trade, manufacture, handicraft, or calling of employers on land or water;

(b) Any calling, service, employment, handicraft, or industrial occupation or vocation of workers on land or water; and

(c) A branch of an industry or a group of industries.

"Lock-out" includes any closing of a place of employment or any suspension of work or any refusal by an employer to continue to employ any number of his workers with a view to compel his workers or to aid another employer in compelling his workers to accept any terms or conditions of employment, or with a view to enforce compliance with any demands made by any employer on any workers.

"Minister" means the member of any executive council appointed by the governor to administer this act.

"Prescribed" means prescribed by regulations under this act.

"President" means the president of the court.

"Registrar" means the registrar of industrial unions under this act.

"Strike" includes any cessation of work or refusal to work by any number of workers acting in combination or under a common understanding with a view to compel their employer or to aid any other workers in compelling their employer to agree to or accept any terms or conditions of employment or with a view to enforce compliance with any demands made by any workers on any employer.

"Trade union" means a trade union registered under the trade unions act, 1902.

"Worker" means any person of not less than fourteen years of age of either sex employed or usually employed by any employer to do any skilled or unskilled work for hire or reward, and includes an apprentice, but shall not include any person engaged in domestic service.

PENALTIES.

SEC. 5. The mention of any penalty, pecuniary or other, at the foot of any section, subsection, or numbered paragraph of this act means that any contravention of the section, subsection, or paragraph, as the case may be, whether by act or omission, shall be an offence against this act, punishable on summary conviction or on conviction before the court of arbitration by a penalty not exceeding the penalty indicated, or that any offence defined in the section, subsection, or paragraph, as the case may be, shall be punishable as aforesaid.

PART II. INDUSTRIAL UNIONS AND ASSOCIATIONS.

Division I. Industrial unions.

WHAT SOCIETIES MAY BE REGISTERED.

SEC. 6. (1) Any society consisting (a), in the case of employers, of two or more persons who have in the aggregate throughout the six months next preceding the date of the application for registration employed on an average, taken per month, not less than fifty workers, or (b) in the case of workers, of any number of workers not less than fifteen, associated for the purpose of protecting or furthering the interests of employers or workers in or in connection with any specified industry, or (in the case and subject to the conditions hereinafter set out) in or in connection with divers industries in the State, may, on passing the necessary resolution and rules, and otherwise complying with the requisitions of this act, be registered as an industrial union under this act.

BRANCHES.

(2) Any branch of a society or industrial union may be treated as a distinct society, and, with the approval of the registrar, may, subject to this act, be separately registered as an industrial union.

MIXED SOCIETIES.

(3) If it is proved to the satisfaction of the president that, under the conditions existing in any locality defined in the application for registration, it is expedient that the limitation of the purposes of the society to a specified industry should not apply, the society may be lawfully registered as an industrial union under this act, notwithstanding that its members may be associated for the protection and furtherance of the interests of employers or workers (as the case may be) in connection with divers industries, and notwithstanding that such divers industries may not be a group of industries within the meaning of this act.

(4) (a) A society which consists of persons who are not all employers or workers in or in connection with one specified industry may apply for registration as an industrial union, and the court (or if the court is not sitting) the president may allow such society to be registered as an industrial union, or validate the registration or supposed registration prior to the commencement of this act of such society as an "industrial union" if in other respects it is entitled to be so registered; provided it is proved to the satisfaction of such court or president that the right of membership in such society is limited to persons whose interests in regard to industrial matters are in the main identical or of a kindred nature or whose vocations (as for example the vocations of clerks or engine drivers) have characteristics in common, or whose interests are of like composite character.

(b) After the registration of any such union the members shall as such be deemed for the purposes of this act to be workers or employers, as the case may be, in the same industry, and the vocations of the members shall, for all the purposes of this act, be deemed to be one industry, and the provisions of this act shall apply accordingly.

(5) The Metropolitan Shop Assistants and Warehouse Employees' Industrial Union of Workers or any other society registered or purporting to be registered under the industrial conciliation and arbitration act, 1902, may apply to the court or the president for an order validating its registration or supposed registration, and the court or president may make such order as they or he may think just, notwithstanding that such society or union consists of persons who are not all employers or workers in or in connection with one specified industry.

ADOPTION OF RESOLUTION, ETC.

SEC. 7. (1) Before any society makes application to be registered a resolution authorizing the application must be passed by a majority of the members present in person at a general meeting of the society specially called for the purpose.

of which seven days' previous notice specifying the time, place, and objects of such meeting shall have been given. Such notice shall be given by publication of an advertisement in a newspaper circulating in the district in which the office of the union is situate, and by posting a copy of the notice in a conspicuous place outside the said office.

(2) At such general meeting or at another general meeting called for the purpose, the society shall, by a vote of the majority of the members present in person, pass and approve rules for the purposes of this act.

RULES.

(3) The rules shall specify the purposes for which the society is formed, and shall provide for—

(a) The appointment and removal and powers and duties of a committee of management, a chairman, secretary, and any other necessary officers, and, if thought fit, of a trustee or trustees.

(b) The manner of calling general or special meetings, the powers thereof, and the quorum and manner of voting thereat.

(c) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the society, and in what manner the society shall be represented in proceedings before the court.

(d) The device, custody, and use of the seal.

(e) The control of the property, and the investment of the funds of the society, and an annual or other shorter periodical audit of the accounts.

(f) The inspection of the books and the register of members by every person having an interest in the funds.

(g) A register of members, and for the mode in which and the terms and qualification on which persons shall become or cease to be members, provided that no member shall discontinue his membership without giving at least three months' previous written notice to the secretary or paying a sum equal to three months' contributions in lieu of notice, nor until such member has paid all fees, fines, levies, or other dues payable by him under the rules to the end of the period covered by such notice or has obtained a clearance card duly issued in accordance with the rules.

(h) The purging of the register by striking off members in arrears of dues for such period as is prescribed by the rules, not exceeding twelve months, but without freeing such persons from arrears due.

(i) The conduct of the business of the society at some convenient and specified address, to be called the registered office of the society.

(j) Any prescribed matter.

(k) The amendment, repeal, or alteration of the rules, subject to the foregoing requisites of this section.

(4) Such rules shall expressly provide that—

(a) No person shall be a member who is not a worker or employer, as the case may be (except in the capacity of an honorary member); and that

(b) No part of the funds or property of the industrial union shall be paid or applied for or in connection with or to aid or assist any person engaged in any strike or lockout in this State; and that

(c) All industrial disputes in which the industrial union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to this act.

OPTIONAL PROVISIONS.

(5) The said rules or any amendment thereof may contain such other provisions not inconsistent with this act or otherwise contrary to law as a majority of the members of the society or union present in person at any general meeting thereof may approve.

JOINT REGISTRATION.

SEC. 8. (1) Any two or more industrial unions consisting of employers or workers engaged in the same industry or in related industries may apply to the registrar for registration as one union.

(2) The application shall be under the respective seals of the unions concerned, and shall be signed by their respective chairmen and secretaries.

- (3) The applications shall be accompanied by—
- (a) A list of the members and officers and the trustees (if any) of the proposed new union;
 - (b) Two copies of the rules of such proposed union, such rules being in accordance with section seven of this act; and
 - (c) A copy of a resolution authorizing the application and approving of the rules on behalf of each union concerned, passed by a vote of the majority of the members present in person at a general meeting of such union.
- (4) Every application hereunder shall be deemed to be an application by a society for registration under this act, and the succeeding provisions of this act shall (so far as applicable) apply thereto, and in respect thereof accordingly.
- (5) On the proposed new union being registered as an industrial union under this act—
- (i) The registration of every union affected shall be deemed to have been canceled under subsection one of section twenty-seven.
 - (ii) All the property, rights, duties, and obligations whatever vested in or imposed on the unions affected shall become vested in or imposed on the new union.

APPLICATION.

SEC. 9. An application for registration shall be made to the registrar by one or more of the officers of the society in the prescribed form, accompanied by—

- (a) A list of the members and officers and the trustees (if any) of the society, with their addresses;
- (b) Two copies of the rules of the society; and
- (c) A copy of the resolution authorizing the application.

REGISTRATION.

SEC. 10. (1) On being satisfied that the society is qualified to register and that the requisitions of this act have been complied with, the registrar shall, subject as hereinafter provided, register the society as an industrial union, and shall issue a certificate of registration, which (except in proceedings for the cancellation of registration) shall, until canceled, be conclusive evidence of the registration and that such requisitions have been duly complied with.

(2) The registrar shall at the same time register the rules and also the address of the registered office.

Provided, That the registrar shall, at least fourteen days before the registration as an industrial union of any society or body formed in connection with any industry or industries, give the prescribed notice of his intention to effect such registration to every industrial union formed and registered in connection with the same industry, or any one or more of the same industries, and any industrial union receiving any such notice may make such representations to the registrar as it deems advisable in relation to the proposed registration of such society or body.

INCORPORATION.

SEC. 11. (1) Every society registered as an industrial union shall, upon and during registration, become and be, for the purposes of this act, a body corporate by the registered name, having perpetual succession and a common seal: *Provided*, That subject to this act a union may at any time, with the consent of the court, change its name.

NAME.

(2) There shall be inserted in the registered name of every industrial union the words "union of employers" or "union of workers," according as such union is a union of employers or workers, and also the locality in which the majority of its members reside or exercise their calling, as thus: "The Goldfields Plumbers' Industrial Union of Employers"; "The Perth Tailors' Industrial Union of Workers."

EFFECT OF REGISTRATION.

SEC. 12. Upon and after registration the industrial union, and members thereof for the time being, shall be subject to the jurisdiction of the court, and to all the provisions of this act; and all such members shall be bound by the

rules of the industrial union during the continuance of their membership: *Provided*, That nothing herein contained shall render a shareholder of an incorporated company liable for any further amount hereunder than that for which he is liable as a shareholder of such company.

POWERS AND LIABILITIES.

SEC. 13. (1) An industrial union may sue and be sued and may purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with any real or personal property.

(2) An industrial union shall, subject to this act, be liable to all the penal provisions of this act to the same extent, so far as may be, as an individual.

(3) The service of any process, notice, or document of any kind on an industrial union may be effected by delivering the same to the chairman or secretary of such union or by leaving the same at its registered office (not being a branch office), or by posting the same to such registered office in a duly registered letter addressed to the secretary of such union.

REGISTRATION OF TRADE-UNIONS:

SEC. 14. (1) A trade-union, consisting of not less than fifteen persons, formed in connection with any specified industry or industries, may be registered under this act as if it were a society complying with the conditions of section six.

(2) Such union when registered shall bear the name which it bears as a trade-union with the insertion of the additional words provided in section eleven hereof.

(3) It shall not be necessary for the union to pass and approve a complete set of rules for the purposes of this act, but the union may in lieu thereof pass and approve such additional rules and modifications of existing rules as may be necessary to bring the rules of the union into conformity with the requisitions of this act, and the said rules with and subject to any such additions and modifications shall constitute the rules of the industrial union.

(4) For the purposes of this section "trade-union" includes a branch of a trade-union and also a branch of any society in the nature of a trade-union duly registered under the law of any part of the King's dominions outside the State.

SOCIETIES OF EMPLOYERS.

SEC. 15. With respect to the registration of societies of employers the following special provisions shall apply:

(1) Where a copartnership firm is a member of the society, each individual partner residing in the State shall be deemed to be a member, and the name of each such partner (as well as that of the firm) shall be set out in the list of members accordingly, as thus: "Watson, Brown, and Company, of Perth, boot manufacturers; the firm consisting of four partners, of whom the following reside in Western Australia; that is to say, John Watson, of Perth, and Charles Brown, of Fremantle":

(2) Except where its memorandum, articles, or rules expressly forbid the same, any company, incorporated under any act, or being a foreign company within the meaning of the companies act, 1893, may be registered as an industrial union of employers, as if it were a society complying with the conditions of section six, and in such case the provisions of sections six, seven, and nine hereof shall be deemed to be sufficiently complied with if the application for registration is made under the seal of the company and pursuant to a resolution of the board of directors, and is accompanied by—

(a) A copy of such resolution.

(b) Satisfactory evidence of the registration or incorporation of the company.

(c) Two copies of the memorandum and articles of association or rules of the company.

(d) A list containing the names of the directors and of the manager or other principal executive officer of the company in Western Australia.

(e) The address of the registered office of the company in Western Australia.

(3) In so far as the memorandum, articles, or rules of any company are repugnant to this act they shall, on the registration of the company as an industrial

union of employers, be construed as applying exclusively to the company and not to the industrial union.

(4) It shall not be necessary in the case of an incorporated company to insert in the name thereof when registered as an industrial union the additional words set out in section eleven.

APPLICATION OF PROVISIONS.

SEC. 16. Subject to any provision to the contrary the provisions of this act relating to the registration of a society and to the effect of such registration and of a certificate thereof apply in respect of a trade-union, company, council, or other body authorized to be registered under this act.

POWERS OF COMPANIES.

SEC. 17. Notwithstanding anything to the contrary contained in the memorandum or articles of association or rules of any company, such company may, with the consent of its manager or other principal executive officer in Western Australia, become a member of any society proposed to be registered as an industrial union of employers or of an industrial union of employers or a party to any industrial agreement.

SIMILAR NAMES.

SEC. 18. An industrial union shall not be registered under a name identical with that by which any other industrial union has been registered or so nearly resembling such name as to be likely to deceive or mislead the members or the public.

REFUSING REGISTRATION.

SEC. 19. The registrar may refuse to register any society, trade-union, or company as an industrial union if in the same locality there exists an industrial union to which the members or the bulk of the members of such society, trade-union, or company can conveniently belong.

APPEALS.

SEC. 20. (1) Any society, trade-union, or company which thinks itself aggrieved by any decision of the registrar in refusing to register it as an industrial union, or in registering any other industrial union may, within three months from the date of the decision, appeal against the decision to the president.

(2) The president may on such appeal make any order which he thinks just, and such order shall be duly observed and carried into effect by the registrar.

Provided, That if the registrar has refused registration under the last preceding section it shall lie on the society, trade-union, or company to satisfy the president that owing to distance, diversity of interest, or other substantial reason it will be more convenient for the members to belong to an industrial union separately registered than to join any existing industrial union.

AMENDMENTS OF RULES.

SEC. 21. (1) Copies of all additions to or amendments or rescissions of the rules of an industrial union shall, after being verified by the secretary or some other officer of the industrial union, be sent to the registrar, who shall register the same upon being satisfied that the same are not in conflict with this act. No such addition, amendment, or rescission shall be valid until registered.

(2) A printed copy of the rules (certified as in subsection three) for the time being of the industrial union shall be delivered by the secretary to any person applying for the same on payment of a sum not exceeding one shilling.

(3) In all proceedings affecting the industrial union, prima facie evidence of the rules and their validity may be given by the production of what purports to be a copy thereof, certified as a true copy under the seal of the union and the hand of the secretary or any other prescribed officer.

OFFICES.

SEC. 22. (1) In addition to its registered office, an industrial union may have a branch office in any locality in which any of its members reside or exercise their calling.

(2) Upon application by the industrial union, under its seal and the hand of its chairman or secretary, specifying the address of the branch office, the registrar shall register the same.

(3) The address of the registered office and of each registered branch office may be changed from time to time in the prescribed manner.

(4) Every such change shall be forthwith notified to the registrar by the secretary of the union and shall thereupon be registered.

REPORTS.

SEC. 23. (1) In the month of January in every year there shall be forwarded to the registrar by every industrial union a list of the members and officers (including trustees) of such union, as at the close of the last preceding month: *Provided*, That in the case of a company it shall be sufficient if the list contains the names of the directors and of the manager or other principal executive officer thereof in Western Australia.

PENALTY.

(2) An industrial union making default in forwarding such list is guilty of an offense against this act, and is liable to a penalty not exceeding two pounds (\$9.73) for every week during which such default continues, and every member of the committee of management of any union who permits such default is guilty of an offense against this act, and is liable to a penalty not exceeding five shillings (\$1.22) for every week during which he permits such default.

CHANGES OF TRUSTEES, ETC.

SEC. 24. A copy of every resolution appointing or removing a treasurer or trustee of an industrial union, signed in the case of a resolution appointing a treasurer or trustee by the treasurer or trustee so appointed and by the secretary of the union shall, within sixty days from the passing thereof, be sent by the secretary to the registrar, and shall be recorded by the registrar.

Penalty: Five pounds (\$24.33.)

MEMBERSHIP.

SEC. 25. It shall be the duty of the registrar to supply to Parliament, within thirty days after its meeting in each year, a return showing the number of members in each industrial union registered under the act.

FINANCIAL STATEMENT.

SEC. 26. The secretary of every industrial union shall, within one calendar month after the completion of the yearly audit of the accounts of the union, deliver to the registrar a duly audited balance sheet of the assets and liabilities of the union, made up to the date of closing the accounts, and also a duly audited statement of the receipts and expenditure of the union during the year, the subject of such audit.

Penalty: Ten pounds (\$48.67).

CANCELLATION OF REGISTRY.

SEC. 27. (1) An industrial union may apply to the registrar in the prescribed manner for a cancellation of the registration thereof, and thereupon the registrar, if satisfied that the cancellation is desired by a majority of the members of such union, and after giving six weeks' notice of his intention so to do, may by notice in the Gazette cancel such registration.

(2) If it appears to the president on the application in the prescribed manner of any industrial union or person interested, or of the registrar—

(a) That an industrial union has been registered erroneously or by mistake; or

(b) That the rules of an industrial union are not in conformity with the requisitions of this act or have not bona fide been observed; or

(c) That the rules of an industrial union or their administration do not or does not provide reasonable facilities for the admission of new members or

impose or imposes unreasonable conditions upon the continuance of their membership or are or is in any way oppressive; or

(d) That the proper authority of an industrial union willfully neglects to provide for the levying and collection of subscriptions, fees, or penalties from members of the union; or

(e) That the accounts of an industrial union have not been duly audited or that the accounts of the union or of the auditor do not disclose the true financial position of the union; or

(f) That an industrial union has willfully neglected to obey an order of the court; or

(g) That the number of members in the union is below the number which a society would be required to have before it could be registered as such a union under this act; or

(h) That for any other reason the registration of an industrial union ought to be cancelled,
the president may order the registration of the union to be cancelled, and thereupon it shall be cancelled accordingly.

EFFECT.

SEC. 28. A cancellation shall, as from the making thereof, dissolve the incorporation of the industrial union, in so far as this act is concerned, and any representatives of the union in any industrial association shall cease to be members of such association, but the cancellation shall not affect the prior status of the union or the status of any such association or relieve the union, or any member thereof, from the obligation of any industrial agreement, or any award or order of the court, nor from any penalty or liability incurred prior to such cancellation.

PROCEEDINGS PENDING.

SEC. 29. During the pendency of any reference to the court, no application for the cancellation of the registration of an industrial union shall be made or received, and no resignation or discharge of the membership of any industrial union or of any company, association, trade-union, or branch, constituting an industrial union, shall have effect.

CONDITIONAL ORDERS.

SEC. 30. On making any order for cancellation the president may direct that the order shall be suspended for a period fixed by him, and that if a requisition specified in the direction be complied with by the union to the satisfaction of the president within that period, then the order shall be annulled, but that if the requisition be not so complied with then the order shall have effect as from the making thereof; and every such direction of the president shall have effect according to its tenor.

Division II. Industrial associations.

REGISTRATION OF COUNCILS.

SEC. 31. Any council or other body, however designated, representing not less than two industrial unions of either employers or workers in any specified industry may be registered under this act as if such council or body were a society complying with the conditions of section six.

Provided, That every such council or other body shall in lieu of being registered as an industrial union be registered as and designated an industrial association, and the word "association" shall be substituted for the word "union" wherever necessary accordingly.

APPLICATION OF PROVISIONS.

SEC. 32. All the provisions of this act relating to industrial unions, their officers, trustees, and members, shall, *mutatis mutandis*, extend and apply to a registered industrial association, its officers, trustees, and members, respectively; and such provisions shall be read and construed accordingly in so far as the same are applicable, and the special reference to industrial associations in any

section shall not render other sections inapplicable: *Provided*, That no industrial association shall be entitled to recommend the appointment of a member of the court.

RULES.

SEC. 33. (1) In lieu of making provision with respect to the matters mentioned in paragraphs f, g, and h of section seven, provision shall be made in the rules of any council or other body applying for registration as an industrial association with respect to—

(i) A register of industrial unions represented on the association and of the members of the association, respectively, representing such unions, and the mode in which and the terms and qualifications on which such unions shall be entitled to be or shall cease to be so represented, but so that no union shall discontinue its representation unless and until it has given at least three months' previous written notice to the association of its intention so to do.

(ii) The expulsion from representation on the council or body of unions in arrears of dues for any specified period not longer than 12 months, but without freeing such union or its representatives from arrears due.

(iii) The purging of the register.

(iv) The inspection of the books and the register of members by any person authorized in that behalf by an industrial union represented on the council or body.

(2) Regulations may be made prescribing other matters in respect of which industrial associations shall have rules and providing that industrial associations need not have rules regarding any specified matter which has been prescribed in the case of industrial unions.

CANCELLATION.

SEC. 34. It shall be an additional ground for the cancellation of the registration of an industrial association that the rules thereof or their administration do not provide reasonable facilities for the admission to representation on the association of new unions or impose or imposes unreasonable conditions upon the continuance of their membership or are or is in any way oppressive.

PART III. INDUSTRIAL AGREEMENTS.

WHO MAY MAKE AGREEMENTS.

SEC. 35. (1) Any industrial union or association of workers or employers may make an agreement in writing for the prevention or settlement of an industrial dispute or relating to any industrial matter. Every such agreement shall be made between an industrial union or association of workers, of the one part, and an industrial union or association of employers or some specified employer or employers of the other part.

TERM—FORM.

(2) Every industrial agreement shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, and shall commence as follows: "This agreement, made in pursuance of 'The industrial arbitration act, 1912,' this — day of — between —," and then the matters agreed upon shall be set out.

(3) An agreement shall be limited in its effect to the particular locality therein specified.

DATE.

(4) The date of the making of the agreement shall be the date on which it is first executed by any party thereto; and such date, and the names of all the original parties thereto, shall be truly stated therein.

CONTINUANCE.

(5) Notwithstanding the expiry of the term of an industrial agreement it shall, subject to any award of the court, continue in force in respect of all parties thereto, except those who retire therefrom.

TERMINATION.

(6) At any time after, or not more than thirty days before, the expiry of an industrial agreement any party thereto may file in the office of the clerk of the court a notice in the prescribed form signifying his intention to retire therefrom at the expiration of thirty days from the date of such filing, and such party shall on the expiration of that period cease to be a party to the agreement.

DUPLICATE TO BE FILED.

SEC. 36. (1) A duplicate original of every industrial agreement shall, within sixty days after the making thereof, be filed in the office of the clerk of the court. The clerk of the court shall make and certify a true copy of such agreement and transmit such copy to the registrar.

(2) Every document purporting to be a copy of an industrial agreement shall (notwithstanding that no notice to produce the original has been given) be admissible in evidence in proof of the contents of the original, provided such copy be certified as a correct copy under the seal of the court and the hand of the clerk of the court, and the production of such copy shall be prima facie evidence that the original agreement was duly executed in accordance with this act in the manner indicated in the copy, and that a duplicate has been duly filed as provided in this section.

ADDING PARTIES.

SEC. 37. Whilst the industrial agreement is in force any industrial union or industrial association or employer may (with the consent of the original parties to the agreement or their respective representatives) become party thereto by filing in the office wherein such agreement is filed a notice in the prescribed form, signifying concurrence with such agreement.

BINDING ON WHOM.

SEC. 38. (1) Every industrial agreement duly filed shall be binding on the parties who execute the same or concur therein, and also on every member for the time being of any industrial union or industrial association which is party thereto, and also on every industrial union and every member for the time being of any industrial union which is for the time being represented on any such association.

(2) The agreement shall also extend to and bind every worker who is at any time whilst it is in force employed by any employer on whom the agreement is binding.

ENFORCEMENT.

(3) Industrial agreements shall be enforceable in manner provided by section ninety-one of this act, and not otherwise.

AMENDMENTS, ETC.

SEC. 39. Every industrial agreement made under this act or the acts hereby repealed may be varied, renewed, or cancelled by any subsequent industrial agreement made by and between all the parties thereto, but so that no party shall be deprived of the benefit thereof by any subsequent industrial agreement to which he is not a party, provided, however, that no industrial agreement with respect to which any powers conferred by the next succeeding section have been exercised shall be varied or cancelled without the leave of the court.

GENERAL EFFECT.

SEC. 40. The court may declare that any industrial agreement shall have the effect of an award and be a common rule of any industry or industries to which it relates, and the agreement shall thereupon, subject as hereinafter provided, become binding on all employers and workers, whether members of an industrial union or association or not, engaged at any time during its currency in any such industry within the locality specified in the agreement.

Provided, That before acting under this section the court shall give all parties likely in its opinion to be affected notice by advertisement or otherwise of its intention to extend the operation of such agreement and shall hear any parties desiring to be heard in opposition thereto.

PART IV. THE COURT OF ARBITRATION.

Division I. Constitution of court.

COURT ESTABLISHED.

SEC. 41. There shall be one court of arbitration for the whole State with the jurisdiction and authority conferred by this act.

The court shall be a court of record and have a seal which shall be judicially noticed in all courts of justice and for all purposes.

MEMBERSHIP.

SEC. 42. The court shall consist of three members appointed by the governor. One member shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers, as provided by section forty-four, and the third member shall be a judge of the supreme court, nominated as hereinafter provided by the governor to act in that behalf. Such judge shall be president of the court. The other members shall be called ordinary members.

ABSENCES.

SEC. 43. In case of the illness or absence of the president at any time the governor shall nominate a judge of the supreme court to act as president during such illness or absence, and in case of the absence of a member of the court other than the president, by reason of illness or other cause, the governor may appoint such other person as he may think fit to fill his place during such absence and until the termination of any pending inquiry.

NOMINATIONS.

SEC. 44. Each industrial union may, within one month after being requested so to do by the registrar, recommend to the governor, in the prescribed manner, the name of one person, and from such names the governor shall select two members, one from the persons recommended by the industrial unions of employers and one from the persons recommended by the industrial unions of workers.

IF NO NOMINATIONS.

SEC. 45. If either division of industrial unions fails or neglects to make a recommendation within the aforesaid period, the governor may thereafter appoint a person to be a member of the court; and such member shall be deemed to be appointed on the recommendation of the said division of industrial unions.

NOTICE OF APPOINTMENTS.

SEC. 46. Forthwith after a full court has been appointed, the names of the members shall be notified in the Gazette, and such notification shall be final and conclusive for all purposes.

TERM.

SEC. 47. Every member of the court (other than the president) shall hold office for three years from the date of the gazetting of his appointment, or until the appointment of his successor. Every member of the court shall be eligible for reappointment.

SALARY.

SEC. 48. Each ordinary member of the court shall receive an annual salary of £400 and such salaries shall be payable out of the consolidated revenue fund.

APPROPRIATION.

SEC. 49. This act shall be deemed a permanent appropriation of the salaries of the ordinary members of the court.

RESIGNATIONS.

SEC. 51. Any member of the court may resign his office by writing under his hand addressed to the governor, and thereupon the office shall become vacant.

WHO MAY NOT BE MEMBERS.

SEC. 52. Any person who—(a) is an alien; or (b) is an undischarged bankrupt; or (c) is of unsound mind, shall be incapable of being appointed a member of the court.

REMOVALS.

SEC. 53. The governor may remove any ordinary member of the court from office who—(a) becomes subject to any of the disabilities mentioned in the last preceding section; or (b) accepts, whether by assignment, composition, or otherwise any such relief as is afforded by law to bankrupt or insolvent debtors; or (c) is proved to be guilty of inciting any industrial union or any worker or employer to commit and breach of an industrial agreement or award; or (d) is absent without reasonable cause from three consecutive sittings of the court; and every vacancy thereby caused shall be deemed to be a casual vacancy.

SEC. 54. The governor may also remove from office the president or any ordinary member on an address from both houses of Parliament in the same session praying for such removal on the ground of proved misbehavior or incapacity.

FILLING VACANCY.

SEC. 55. (1) Every casual vacancy in the office of an ordinary member of the court shall be supplied in the same way as an original appointment was made, and the foregoing provisions shall, *mutatis mutandis*, be applied accordingly.

(2) Every person appointed to fill a casual vacancy hereunder shall hold office only for the residue of the term of his predecessor.

OATH.

SEC. 56. Before entering upon their offices the members of the court (other than the president) shall make oath before the president that they will faithfully and impartially perform the duties of their respective offices, and that they will not, except in the discharge of their duties, disclose to any person any evidence or other matter brought before the court.

CLERK.

SEC. 57. (1) The governor may appoint such clerk and other officers of the court as he thinks necessary. Such clerk and officers shall hold office during pleasure and receive such salary or other remuneration as the governor thinks fit.

(2) The duties of the clerk of the court and of all other officers thereof shall be as prescribed and also as directed by the court or president.

Division II. Jurisdiction and procedure of court.

JURISDICTION.

SEC. 58. The court shall have jurisdiction for the settlement and determination of any industrial dispute—

(a) Referred to it by any party or parties under this act; or

(b) As to which the president has held a conference under section one hundred and twenty, and as to which no agreement has been reached, and which the president has thereupon referred to the court.

DISPUTES COGNIZABLE.

SEC. 59. (1) An industrial dispute may relate either to any industry in which the party by whom the dispute is referred for settlement to the court as herein-after provided is engaged, concerned, or interested, or to any industry or industries related thereto.

(2) An industry or industries shall be deemed to be related to another where both or all are branches of the same trade (as, for example, bricklaying, masonry, carpentering, and painting are branches of the building trade) or are so connected that industrial matters relating to the one may affect the other.

IF MEMBERS NOT AFFECTED.

SEC. 60. When an industrial union of workers is party to an industrial dispute the jurisdiction of the court to deal with the dispute shall not be affected by reason merely that no member of the union is employed by any party to the dispute or is personally concerned in the dispute.

DECISION OF COURT.

SEC. 61. The court shall have jurisdiction to determine whether any matter referred to it is an industrial dispute, and any finding by the court that a matter referred to it is or is not an industrial dispute shall be final and conclusive and shall not be questioned in the Supreme or any other court.

REFERENCE.

SEC. 62. (1) An industrial dispute may, subject to this act, be referred to the court in the prescribed manner by the party or parties or a majority of the parties on the one side or the other.

(2) Should any question arise as to whether all or a majority of such parties on one side or the other have agreed to such reference, the question shall be settled by the president upon summons under section sixty-eight.

APPEARANCE.

SEC. 63. (1) An employer being a party to a reference or any other matter may appear in person or by his agent duly appointed in writing for that purpose.

(2) An industrial union or industrial association being a party to a reference or any other matter may appear by its chairman or secretary or by any person appointed in writing by the chairman or in such other manner as the rules prescribe.

(3) Except as hereinafter provided, every party appearing by a representative shall be bound by the acts of such representative.

(4) No legal practitioner, whether of this State or any other State, whether on the rolls or not, or solicitor's clerk, shall be allowed to appear or be heard before the court in any capacity whatsoever, or to attend the court to advise the representative of any party before the court, unless all the parties to the reference or other matter expressly consent thereto:

Provided, That when the court is sitting for the trial of any offense counsel or solicitor shall be entitled to appear and be heard before the court on behalf of the prosecution or of the defense with all the powers of a counsel or solicitor appearing on the trial of an offense in a court of summary jurisdiction.

PROCEDURE ACCORDING TO EQUITY, ETC.

SEC. 64. (1) In the hearing and determination of every industrial dispute the court or president shall act according to equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may inform its or his mind on the matter in such a way as it or he thinks just.

(2) In granting relief or redress under this act the court shall not be restricted to the specific claims made or to the subject matter of the claim.

SITTINGS.

SEC. 65. (1) The sittings of the court shall be held at such time and place as may be from time to time fixed by the president, and sittings may be fixed either

for a particular case or generally for all cases then before the court and ripe for hearing, and it shall be the duty of the clerk of the court to give to each member of the court and also to all parties concerned at least seven clear days' notice of the time and place of each sitting other than an adjourned sitting.

(2) The court may be adjourned from time to time and from place to place—

(a) By the president at any sitting thereof, or if the president is absent from such sitting, then by any other member present; or

(b) If no member is present at the time fixed for the sitting, by the clerk of the court; or

(c) By the president at any time before the time fixed for the sitting.

POWERS.

SEC. 66. The court shall have power in any dispute or other matter before it—

(i) To dismiss the dispute or other matter at any stage of the proceedings where it thinks the dispute or matter trivial.

(ii) To order any party to the dispute or other matter to pay to any other party such costs and expenses, including expenses of witnesses as are specified in the order, but so that no costs shall be allowed for the services of any counsel, solicitor, or agent.

(iii) To proceed to hear and determine any dispute or other matter in the absence of any party thereto who has been summoned or served with notice to appear therein.

(iv) To sit in any place for the hearing and determination of the dispute or other matter.

(v) To conduct its proceedings or any part thereof in private.

(vi) To refer to any person any dispute or matter before it or any question arising in any such dispute or matter for investigation and report and to accept or act on the report of or evidence taken by any such person or any part of such report or evidence; and to refer to experts the interpretation of awards in technical trades.

(vii) To direct parties to be joined or struck out.

(viii) To correct, amend, or waive any error, defect, or irregularity whether in substance or in form.

(ix) To extend any time fixed by this act or by any regulation under this act or by any order of the court or of the president or any other member thereof.

(x) To direct that two experts (one nominated by the party or the majority of the parties on one side and the other by the party or the majority of the parties on the other) shall sit with the court as assessors on the hearing of any dispute or other matter to aid the members of the court with their counsel.

(xi) To make such orders as may be just with respect to the issues to be submitted to the court, the persons to be served with notice of proceedings, delivery of particulars of the claims of all parties, admissions, discovery, inspection, or production of documents, inspection or production of property, examination of witnesses, and the place and mode of hearing.

(xii) To enter upon any manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises of any kind whatsoever, wherein or in respect of which any industry is or is reputed to be carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place, which is made the subject of a reference to the court.

(xiii) To inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever being in such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place, or premises as aforesaid.

(xiv) To interrogate any person who may be in or upon any such manufactory, building, workshop, factory, mine, mine workings, ship or vessel, shed, place or premises as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned.

EXERCISE OF CERTAIN POWERS.

SEC. 67. The power mentioned in paragraph x of the last preceding section shall be exercised by the court if so required by any party to the dispute or other matter, and any power mentioned under paragraph xii, xiii, or xiv of the last preceding section may, if the court so directs in any case, be exercised by any member or officer of the court or by any expert appointed to act as assessor.

POWER OF PRESIDENT.

SEC. 68. The president, on the application of any party to an industrial dispute or other matter of which the court has cognizance, may, on summons returnable before the president sitting in chambers, make in relation to the dispute or other matter any order which he thinks just as to any interlocutory proceeding to be taken before the hearing, the costs of such proceeding, the issues to be submitted to the court, the persons and unions or associations to be served with notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection, or production of documents, or of any property, examination of witnesses, and the place, time, and mode of hearing: *Provided*, That no order of the president shall prejudice the exercise of any power by the court.

COSTS.

SEC. 69. As regards all proceedings before him the president may make such order as to costs as he shall deem just.

EVIDENCE.

SEC. 70. With respect to evidence in proceedings before the court the following provisions shall apply:

(1) On the application of any party, the clerk of the court shall issue a summons in the prescribed form to any person to appear and give evidence before the court; such summons may require such person to produce before the court any books, papers, or other documents in his possession, or under his control, in any way relating to the proceedings.

(2) All books, papers, and other documents produced before the court may be inspected by the court, and also by such of the parties as the court allows; but the information obtained therefrom shall not be made public, and such parts of the documents as, in the opinion of the court, do not relate to the matter at issue may be sealed up.

(3) Every person who is summoned and duly attends as a witness shall be entitled to receive from the party at whose instance he was summoned an allowance for expenses according to the prescribed scale.

(4) Any person duly served with such summons, and to whom at the same time payment or tender has been made of his reasonable expenses according to the aforesaid scale, who fails to attend or to duly produce any book, paper, or document as required shall be guilty of an offense and be liable to a penalty not exceeding twenty pounds, or to imprisonment for any term not exceeding one month.

DEPOSITIONS.

(5) The court or president may, whenever it shall appear just or convenient so to do, make any order for the examination upon oath or otherwise before the court or president or any officer of the court, or any other person, and at any place of any witness or person, and may empower any party to give the deposition of such witness or person in evidence on such terms, if any, as the court or president may direct.

(6) The court may take evidence on oath or affirmation, and for that purpose any member or the clerk of the court may administer an oath or affirmation.

(7) No evidence relating to any trade secret, or to the profits or financial position of any witness or party, shall be disclosed except to the court, or published without the consent of the person entitled to the trade secret or non-disclosure.

Penalty: One hundred pounds (\$486.65) or three months' imprisonment with or without hard labor.

(8) All such evidence as is mentioned in the last preceding paragraph shall, if the witness or party so requests, be taken in private.

(9) All books, papers, and other documents produced in evidence before the court may be inspected by the court and also by such of the parties as the court allows, but the information obtained therefrom shall not be made public without the permission of the court. *Provided* that such books, papers, and documents relating to any trade secret, or to the profits or financial position of any witness or party shall not, without his consent, be inspected by any party.

Penalty: One hundred pounds (\$486.65) or three months' imprisonment with or without hard labor.

QUORUM.

SEC. 71. The presence of the president and at least one other member shall be necessary to constitute a sitting of the court.

DECISIONS.

SEC. 72. The decision of a majority of the members present at the sitting, or if the members present are equally divided in opinion, then the decision of the president shall be the decision of the court. The decision of the court on the settlement of an industrial dispute shall be drawn up in the form of minutes, which minutes shall be open to the inspection of the representatives of the parties concerned. An appointment shall be made by the court for the purpose of allowing the representatives of the parties to speak to matters contained in such minutes. As the outcome of such appointment and discussion during same, it shall be open to the court in its absolute discretion to vary, or amend, the terms of such minutes before the same are actually issued as an award of the court.

ANNOUNCEMENT.

SEC. 73. The decision of the court shall in every case be signed by the president, and may be delivered by him or by any other member of the court or by the clerk.

AWARDS IN ONE MONTH.

SEC. 74. An industrial award of the court shall be made within one month after the court began to sit for the hearing of the reference, or within such extended time as in special circumstances the court thinks fit. Every award, as far as practicable, shall be pronounced and delivered at the place where the hearing of the dispute or the principal part of the hearing of the dispute took place.

FILING, ETC.

SEC. 75. The award shall have the seal of the court attached thereto and shall be deposited in the office of the clerk of the court and be open to inspection without charge during office hours by all persons interested therein.

TERMS.

SEC. 76. (1) The award shall be framed in such manner as shall best express the decision of the court, avoiding all technicality where possible, and shall specify—

(a) Each party on whom the award is binding, being in every case each industrial union, industrial association, or employer who is party to the proceedings at the time when the award is made, and every industrial union then represented on any such association.

(b) The locality (if any) to which the award or any part thereof is limited.

(c) The term of the award.

(2) The award shall also state in clear terms what is or is not to be done by each party on whom the award is binding, or by the employers or workers affected by the award, and may provide for an alternative course to be taken by any party.

TERRITORIAL LIMITS.

SEC. 77. (1) The court may, in any award made by it, limit the operation of such award or any portion thereof to any particular locality, but except in so far as the award or any part thereof is so limited it shall be deemed to extend to the whole State.

(2) The court shall, if the operation of the award has been limited as aforesaid, have power, on the application of any employer, industrial union, or industrial association, to extend the operation of such award or any portion thereof:

Provided, That before acting under this subsection the court shall give all parties, likely in its opinion to be affected, notice, whether by advertisement or otherwise, of its intention to extend the operation of such award, and shall hear any parties desiring to be heard in opposition thereto.

TO BE COMMON RULE.

SEC. 78. An award shall, whilst in force, be a common rule of any industry to which it applies, and shall, subject as hereinafter provided, become binding on all employers and workers, whether members of an industrial union or association or not, engaged at any time during its currency in that industry within the State:

Provided, That if the operation of the award or any part thereof is limited to any particular locality, then the common rule shall not as regards matters to which the limitation applies operate beyond such locality.

CONSTRUCTION, ETC.

SEC. 79. With respect to every award, whether made before or after the commencement of this act, the court by order at any time during the term of the award may declare the true interpretation of the award, and shall have power to amend the provisions of the award for the purpose of remedying any defect therein or of giving fuller effect thereto.

The court may, for the purposes of this section, exercise the powers conferred by paragraphs (vi) and (x) of section sixty-six.

APPLICATION FOR CONSTRUCTION.

SEC. 80. The powers by the last preceding section conferred upon the court may be exercised on the application of any employer or industrial union or association bound by the award.

PERIOD.

SEC. 81. The term of an award may be—

(a) Any specified period not exceeding three years from the date of the award; or

(b) For one year, and thenceforward from year to year.

AMENDMENT, ETC.

SEC. 82. (1) Where, by any award already or which hereafter may be made, the currency of the award is for a period not exceeding three years, and it is by the award declared that the court may at any time after the expiration of twelve months from its date, on the application by any party or person affected by its provisions, alter or amend such award, it shall be lawful for the court, at any time after the expiration of twelve months from the date of such award, to alter, amend, or revise such award, in such manner as the court may deem expedient.

(2) Where, by any award already or which hereafter may be made, it is provided that the award shall remain in operation for the period of one year from any date, and thenceforward from year to year, subject to the right of any party interested to apply to amend, alter, or revise the same, then the award shall remain and shall be deemed to have remained in operation accordingly, and it shall be lawful for the court, at any time not later than three months after the expiration of one year from such date and therefore not later than three months after the expiration of every subsequent year, to revoke, or to alter, amend, or revise such award in such manner as the court may deem expedient.

(3) No person or party shall apply to have an award revoked, altered, amended, or revised under the powers hereby conferred on the court, until such person or party has obtained the leave of the court to such application being made, and if leave be granted, which shall be in the court's discretion, the court may direct the procedure to be adopted and the notice to be served on other parties or persons, and the mode of service of such notices, with power to direct service by advertisement in a newspaper.

CONTINUANCE.

SEC. 83. (1) Notwithstanding the expiry of the term of an industrial award heretofore or hereafter made it shall, subject to any award of the court, continue in force in respect of all persons and bodies bound thereby except those who retire therefrom.

(2) At any time after the expiry of the term of an industrial award any person or body bound thereby may retire therefrom by filing in the office of the

clerk of the court a notice in the prescribed form signifying his or its intention to retire at the expiration of thirty days from the date of such filing, and such person or body shall thereafter cease to be bound thereby: *Provided*, That no union which is bound by reason of being represented on any industrial association shall retire without the consent of such association.

WAGES, HOURS, ETC.

SEC. 84. (1) The court may by any award—

(a) Prescribe a minimum rate of wage or other remuneration with special provision for a lower rate being fixed (by such tribunal or person in such manner and subject to such provisions as the court may think fit to prescribe in the award) in the case of any worker who is unable to earn the prescribed minimum by reason of old age or infirmity.

(b) Prescribe such rules for the regulation of any industry to which the award applies as may appear to the court to be necessary to secure the peaceful carrying on of such industry.

(c) Limit the working hours of pieceworkers in any industry except workers engaged in the agricultural and pastoral industries.

(2) No minimum rate of wages or other remuneration shall be prescribed which is not sufficient to enable the average worker to whom it applies to live in reasonable comfort, having regard to any domestic obligations to which such average worker would be ordinarily subject.

SUBSEQUENT AWARDS.

SEC. 85. Notwithstanding anything hereinbefore contained, no award or order shall impair the validity or prevent the operation of any previously existing award or industrial agreement during the term of such award or agreement, and except in pursuance of a power in that behalf reserved in the award no amendment shall, during the term of an award, be made therein which is inconsistent with the true intent and meaning of such award as originally made by the court.

COSTS.

SEC. 86. In every case where the court, in its award or order, directs the payment of costs or expenses it shall fix the amount thereof, and specify the parties or persons by and to whom the same shall be paid.

AWARD AS EVIDENCE.

SEC. 87. In all legal and other proceedings, it shall be sufficient to produce the award with the seal of the court thereto, or a copy thereof certified as true by the clerk of the court, and it shall not be necessary to prove any conditions precedent entitling the court to make the award.

DEATH OF A PARTY.

SEC. 88. No proceedings in the court shall abate by reason of the death of any party, but such proceedings may by order of the court be continued on such terms as the court thinks fit by or against the legal representative of such party or by or against any person appointed by the court to be the representative of such party.

BREACHES.

SEC. 89. The court in its award or by order made on the application of any of the parties at any time whilst the award is in force may fix and determine what shall constitute a breach of the award, and what sum, not exceeding five hundred pounds (\$2,483.25) shall be the maximum penalty payable by any party in respect of any breach.

ENFORCEMENT.

SEC. 90. For the purpose of enforcing any award or order of the court (not being an order under section ninety-two hereof or section ninety-four of the

industrial conciliation and arbitration act, 1902), whether made before or after the commencement of this act, the following provisions shall apply:

(1) In so far as the award itself imposes a penalty or costs, it shall be deemed to be an order of the court, and payment shall be enforceable accordingly under the subsequent provisions of this act relating to orders of the court.

(2) If any party or person on whom the award is binding commits any breach thereof by act or default, then, subject to the provisions of the last preceding paragraph hereof, the registrar or any industrial inspector or any employer or industrial union or association bound by the award may, by application in the prescribed form, apply to the court for the enforcement of the award.

(3) On the hearing of such application the court may by order either dismiss the application or impose such penalty for the breach of the award as it deems just, and in either case with or without costs: *Provided*, That in no case shall costs be given against the registrar or an industrial inspector.

(4) If the order imposes a penalty or costs, it shall specify the parties liable to pay the same, and the parties or persons to whom the same shall be payable.

ENFORCING INDUSTRIAL AGREEMENTS.

SEC. 91. For the purpose of enforcing industrial agreements, whether made before or after the commencement of this act, the provisions of paragraphs two, three, and four of the last preceding section hereof shall, *mutatis mutandis*, apply in like manner in all respects as if an industrial agreement were an award of the court, and the court shall accordingly have full jurisdiction to deal therewith.

JURISDICTION.

SEC. 92. (1) The court shall have jurisdiction to try and determine all charges of offenses against this act or the regulations made thereunder, and to inflict punishment on any person convicted before it of any offense.

(2) Such jurisdiction shall be concurrent with that of courts of summary jurisdiction.

EXECUTION ON PROPERTY.

SEC. 93. (1) All property belonging to any person or body bound by any judgment, order, conviction, or direction of the court (including therein, in the case of an industrial union or industrial association, all property held by trustees for such union or association) shall be available in or toward satisfaction of the judgment, order, conviction, or direction, or if any such body is an industrial union or an industrial association, and its property is insufficient to fully satisfy the amount due under the judgment, order, conviction, or direction, its members and the members of any union represented on any such association shall be jointly and severally liable for the deficiency:

Provided, That no member shall be liable for more than ten pounds (\$48.67) under this subsection:

Provided also, That all goods protected from seizure on an execution under a judgment of a local court are protected against seizure under this act and the regulations to the value of thirty pounds (\$146).

(2) For the purpose of giving full effect to the last preceding subsection hereof, the court or the president thereof may, on the application of the person or body entitled to claim the enforcement of such judgment, order, conviction, or direction, make such order or give such directions as are deemed necessary, and the trustees aforesaid and all other persons concerned shall obey the same.

(3) The property of any industrial union or association shall be deemed to include the property of any company, trades or industrial union, society, or other body forming part of or constituting the industrial union or association.

REMOVAL OF PROCEEDINGS.

SEC. 94. (1) When any charge of an offense against this act is pending in a court of summary jurisdiction then, before the decision, the court of arbitration may, on the application of any party to the proceedings, issue a writ of *certiorari* commanding the removal of the proceedings into the court of arbitration, and the proceedings shall be removed accordingly, and the court of arbitration shall then have exclusive jurisdiction to try and determine the charge and to inflict punishment therefor.

(2) The powers conferred by this section may be exercised by the president at any time when the court is not sitting.

OFFICERS OF THE COURT.

SEC. 95. (1) The sheriff of Western Australia, the bailiffs of local courts, and all officers of police shall be deemed to be officers of the court, and shall exercise the powers and perform the duties prescribed by any rules of court made under this act; and for the purpose of carrying out the provisions of this act and in relation to any proceedings before the court or the president and in relation to the making, carrying out, and enforcing of any award, order, conviction, or direction of the court or the president shall, except where provided in any rules made as aforesaid, exercise the same powers and perform the same duties as they may exercise and perform in relation to any judgment, order, conviction, or direction of the supreme court or any local court or court of summary jurisdiction.

(2) All prison officials shall obey and carry out the writs, warrants, and orders of the court so far as the same are addressed to them.

INDUSTRIAL INSPECTORS.

SEC. 96. (1) Every inspector appointed under the factories act, 1904, shall be an industrial inspector under this act for the whole State, and shall be charged with the duty of seeing that the provisions of any industrial agreement or award or order of the court are duly observed, and with such other duties as are by this act imposed on him.

(2) Every inspector of mines appointed under the mines regulation act, 1906, or the coal mines regulation act, 1902, shall be an industrial inspector, and shall be charged with the duty of seeing that the provisions of any such agreement, award, or order are duly observed in or about any mine or coal mine subject to his inspection.

(3) In the discharge of his duties under this act an industrial inspector may require any employer or worker to produce for his examination any wages books, overtime books, and other books which he shall deem it necessary to examine, and may put any questions to any employer or worker and may exercise all such powers of entry and examination as are conferred on him by any of the aforesaid acts.

(4) Except for the purposes of this act and in the exercise of his functions thereunder, an industrial inspector shall not disclose to any person any information acquired by him in the performance of his duties.

Penalty: Fifty pounds (\$243.33).

REFERENCES BY UNIONS.

SEC. 97. An industrial dispute shall not be referred to the court by an industrial union or association, nor shall any application be made to the court by any such union or association for the enforcement of any industrial agreement or award of the court, unless and until the proposed reference or application has been approved by the members in manner following, that is to say:

(1) In the case of an industrial union, by resolution passed at a special meeting of such union: *Provided*, That if the resolution is for a reference of an industrial dispute it shall be confirmed by the votes of an absolute majority of the members on a subsequent ballot of the members, held in the prescribed time and manner, the result of which ballot shall be recorded on the minutes.

(2) In the case of an industrial association, by resolution passed at a special meeting of the members of such association, and confirmed by resolutions passed at special meetings of a majority of the industrial unions represented on such association.

(3) In the case of an industrial union of workers represented on an industrial association, no such reference or application shall be made without the consent of such association expressed by resolution passed at a special meeting of the members thereof.

(4) It shall be no objection to the sufficiency of a resolution in relation to a proposed reference that any of the details of the reference are omitted or any of the parties concerned in the dispute are not mentioned, provided the dispute is identified with reasonable certainty and the general nature of the question involved therein is clearly stated.

SPECIAL MEETINGS.

SEC. 98. (1) Each such special meeting shall be convened and held in manner provided by the rules, and notice of the proposed resolution shall be served on or posted to all the members three days at least before the holding of the meeting, or published in a newspaper circulating in the locality affected. The resolution shall be deemed to be passed if it is approved by the votes of a majority of the members present and qualified to vote at the meeting of the union or association.

(2) A certificate under the hand of the chairman of any such special meeting shall, until the contrary is shown, be sufficient evidence as to the due constitution and holding of the meeting, the nature of the proposal submitted, and the result of the voting.

(3) Certificates or a certificate, as the case may require, in the prescribed form, and in accordance with the last preceding subsection, shall be forwarded to the clerk with every such application or reference as aforesaid.

(4) No member of an industrial union shall be required to be served with notice of a special meeting or be permitted or be deemed qualified to vote at any such special meeting of the union whilst any fee, fine, levy, or other due which has been due and owing by him under the rules of the union for three months or longer, remains unpaid, or if he is an honorary member.

INFORMALITIES.

SEC. 99. Proceedings in the court shall not be impeached or held bad for want of form, nor shall the same be removable to any court by certiorari or otherwise; and no award, order, or proceeding of the court shall be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever:

APPEALS.

Provided, That when any person has been convicted by the court of any offense, or of the breach of any industrial award or agreement, and (a) a term of imprisonment is imposed on him without the option of a fine; or (b) a fine or penalty is imposed on him exceeding twenty pounds (\$97.33); he may, in the prescribed manner appeal to the court of criminal appeal constituted under the Criminal Code against the conviction and sentence, or against either of them, and such court may, on or in respect of the appeal, give any such judgment, make such orders, and exercise such powers as it could give, make, or exercise on or in respect of an appeal under section 668 (six hundred and sixty-eight) of the said code, and the provisions of such code shall so far as capable of application apply *mutatis mutandis* to such appeal, but the validity of an industrial award or agreement made or purporting to be made under this act, or any act repealed hereby, shall not be called in question on any such appeal.

PART V. GOVERNMENT WORKERS.

STATUS OF GOVERNMENT EMPLOYEES.

SEC. 100. (1) If any persons employed by the Government (not being public servants subject to the public service act, 1904) are members of any industrial union composed of workers engaged in the same industry as such persons, the minister of the department in which such persons are employed, or the commissioner of railways, in the case of the department of Government railways, shall, in relation to all such persons who are for the time being members of such union, and for the purposes of this part of this act, be deemed an employer, and such persons shall be deemed workers.

(2) Any society consisting of workers employed by the Government (not being public servants subject to the public service act, 1904, or members of the police force) shall be qualified for registration as an industrial union under and subject to this act; provided it would be so qualified if its members were not employed by the Government.

GOVERNMENT RAILWAYS.

SEC. 101. With respect to the Government railways open for traffic—

(a) The society of railway workers called "The West Australian Locomotive Engine-drivers, Firemen, and Cleaners' Union of Workers," and now registered

as an industrial union under the industrial conciliation and arbitration act, 1902, shall be deemed to be registered under this act: *Provided*, That the constitution and rules of such society shall be amended so far (if at all) as may be necessary to bring them into compliance with this act, and in case of default, the registration may be canceled by the president.

(b) Any association or society of Government railway workers may register under this act as an industrial union of workers: *Provided*, There is no other industrial union of workers to which the members could conveniently belong.

(c) The commissioner of railways shall be deemed the employer of the workers who are members of any such union.

UNIONS OF GOVERNMENT WORKERS.

SEC. 102. In reference to any such industrial union as is mentioned in section one hundred or one hundred and one, the following provisions shall apply:

(1) The minister of any department or the commissioner of railways, as the case may be, may enter into industrial agreements with any such union.

(2) If an industrial dispute arises between any minister or commissioner and any such union it may be referred to the court for settlement as hereinafter provided.

(3) Any such union may, by petition filed with the clerk of the court and setting forth the particulars of the matters in dispute, pray the court to hear and determine the same.

(4) Such petition shall be under the seal of such union and the hands of two members of the committee of management thereof.

(5) No such petition shall be filed except pursuant to a resolution of a special meeting of the union called for the purpose, in accordance with its rules, and with respect to such resolution and the procedure thereon sections ninety-seven and ninety-eight shall apply.

(6) The minister or commissioner may, by petition filed with the clerk of the court and setting forth the particulars of the matters in dispute, pray the court to hear and determine the same.

(7) A petition when filed by the minister shall be under his hand, and when filed by the commissioner shall be under his hand and common seal.

(8) Such petition, when duly filed, shall be referred to the court by the clerk of the court, and the court, if it considers the dispute sufficiently grave to call for investigation and settlement, shall send notice thereof to the minister or commissioner or the union, as the case requires, and appoint a time and place at which the dispute will be investigated and determined, in like manner as in the case of a reference, and the court shall have jurisdiction to hear and determine the same accordingly, and to make award thereon.

(9) In any proceedings before the court under this section the minister or commissioner may be represented by any officer of the department whom he appoints in that behalf.

(10) All expenses incurred and moneys payable by any minister or commissioner under this act shall be payable out of moneys appropriated by Parliament for the purpose.

(11) Subject as hereinafter provided, any award made hereunder shall be binding on the like persons and be enforceable in the same manner as other industrial awards, and a breach thereof shall entail the like penalties, and the provisions of this act applicable to other industrial awards shall be applicable to awards made hereunder.

(12) Notwithstanding anything herein, no minister or commissioner shall be personally liable under any such agreement or award, or be subject to any personal penalty with respect thereof or in connection therewith.

(13) No execution or attachment or process in the nature thereof shall be issued against the property or revenues of the Crown or of any department or agency of His Majesty's Government to enforce any award or order made under this act; but when any award or order affecting the Crown or any such department or agency has been made the president shall send to the attorney general a certified copy of the award in the prescribed form, and the attorney general shall, within fourteen days after its receipt if Parliament is then sitting, or if not then within fourteen days after the next meeting of Parliament, cause a copy of the award to be laid before both houses.

RAILWAY STRIKES AND LOCKOUTS.

CROWN OTHERWISE EXEMPT.

SEC. 103. Except as provided in this part and in section one hundred and twenty-six nothing in this act shall apply to the Crown.

PART VI. OFFENSES.

STRIKES AND LOCKOUTS PROHIBITED.

SEC. 104. (1) No person shall—

(a) Take part in or do or be concerned in doing any matter or thing in the nature of a lockout or strike; or

(b) Before a reasonable time has elapsed for a reference to the court of the matter in dispute, or during the pendency of any proceedings before the court in relation to an industrial dispute, suspend or discontinue employment or work in any industry; or

(c) Instigate to or aid in any of the above-mentioned acts.

Penalty: In the case of an employer or industrial union or association, one hundred pounds (\$486.65), and in other cases, ten pounds (\$48.67).

(2) Nothing in this section shall prohibit the suspension or discontinuance (not being in the nature of a strike or lockout) of any industry or of the working of any persons therein for good cause independent of an industrial dispute; but on a prosecution for any contravention of this section the onus of proof that any such suspension or discontinuance is not in the nature of a strike or lockout, and that such independent good cause exists, shall lie on the defendant.

(3) Every person who makes any gift of money or other valuable thing to or for the benefit of any person who is a party to any strike or lockout, or to or for the benefit of any industrial union, industrial association, trade-union, or other society or association of which any such person is a member, shall be deemed to have aided in the strike or lockout within the meaning of this section.

(4) When a strike or lockout takes place, and a majority of the members of any industrial union or industrial association are at any time parties to the strike or lockout, the said union or association shall be deemed to have instigated the strike or lockout.

REJECTING AWARD.

SEC. 105. Where persons, with a view to being associated as employers and workers, respectively, in any industry or representatives of such persons have entered into an industrial agreement with respect to employment in that industry, any of such persons who, without reasonable cause or excuse (the proof whereof shall lie on him), refuses or neglects to offer or accept employment upon the terms of the agreement shall be deemed to have taken part in or done something in the nature of a lockout or strike, as the case may be.

ACTIONS OF UNIONS.

SEC. 106. Any industrial union or association of employers or workers which, for the purpose of enforcing compliance with the demands of any employers or workers, orders its members to refuse to offer or accept employment, shall be deemed to have taken part in or done something in the nature of a lockout or strike, as the case may be.

DISMISSING EMPLOYEES.

SEC. 107. (1) No employer shall dismiss any worker from his employment or injure him in his employment or alter his position to his prejudice by reason merely of the fact that the worker is an officer or member of an industrial union or association or of a society or other body that has applied to be registered as a union or association or is entitled to the benefit of an industrial agreement or award.

Penalty: Fifty pounds (\$243.33).

(2) In any proceeding for any contravention of this section it shall lie upon the employer to show that any worker proved to have been dismissed or injured in his employment or prejudiced whilst an officer of an industrial union or association or such a society or body, or whilst entitled as aforesaid, was

dismissed or injured in his employment or prejudiced for some reason other than that mentioned in this section.

LEAVING EMPLOYMENT.

SEC. 108. (1) No worker shall cease work in the service of an employer by reason merely of the fact that the employer is an officer or member of an industrial union or association or of any society or other body that has applied for registration as an industrial union or association or is entitled to the benefit of an industrial agreement or award.

Penalty: Twenty-five pounds (\$121.66).

(2) In any proceeding for any contravention of this section it shall lie upon the worker proved to have ceased work in the service of an employer whilst the employer was an officer or member of an industrial union or association or of such a society or body, or was entitled as aforesaid, to show that he ceased so to work for some reason other than that mentioned in this section.

MANDAMUS OR INJUNCTION.

SEC. 109. (1) The court may, on the application of any party to an industrial award or agreement or of the registrar or an industrial inspector, make any such order as it shall deem just and necessary in the nature of a mandamus or injunction to compel compliance with an industrial award or agreement or to restrain its breach or the continuance of any breach: *Provided*, That any application by an industrial union or association for an order under this section shall be under the seal of the union or association and signed by the secretary and chairman.

(2) The court may, on the application of the registrar or an industrial inspector, make any order of the nature aforesaid which it may deem just and necessary to restrain any breach of this act or the continuance of any breach.

(3) Any of the powers of the court under this section may be exercised by the president in chambers, but any order made by the president hereunder may be discharged by the court on the application of any party or person affected.

(4) No person to whom any such order as aforesaid applies shall, after he has received written notice of the same, contravene such order in any way by act or omission.

Penalty: One hundred pounds (\$486.65).

CONTEMPT OF COURT.

SEC. 110. If any person insults any member of the court or the clerk of the court, or willfully interrupts the proceedings, or without good cause refuses to give evidence, or is guilty in any other manner of any willful contempt in the face of the court, it shall be lawful for any officer of court, or any member of the police force, to take the person offending into custody and remove him from the precincts of the court, to be detained in custody until the rising of the court, and the person so offending (whether so dealt with or not) shall be guilty of an offense against this act.

Penalty: Ten pounds (\$48.67).

OBSTRUCTING COURT.

SEC. 111. No person shall write, print, or publish anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the court.

Penalty: Fifty pounds (\$243.33).

SEC. 112. No person—

(a) Shall resist or obstruct the court or any officer thereof in the performance of any duties or the exercise of any powers under this act or willfully disobey any order of the court.

(b) Being lawfully required, shall fail to produce or exhibit any document or allow any document to be examined.

(c) Shall willfully mislead any officer in any particular likely to affect the discharge of his duty.

(d) Being lawfully asked any question by any officer pursuant to this act, shall fail to answer the same truthfully, to the best of his knowledge, information, and belief.

Penalty: Fifty pounds (\$243.33).

COUNSELING OR PROCURING OFFENSE.

SEC. 113. Every person who, or union, association, or other body which, is directly or indirectly concerned in the commission of any offense against this act, or counsels, takes part in, or encourages the commission of any such offense, shall be deemed to have committed that offense, and shall be punishable accordingly.

ATTEMPTS.

SEC. 114. Any attempt to commit an offense against this act shall be an offense against this act, punishable as if the offense had been committed.

PART VII. MISCELLANEOUS.

REGISTRAR.

SEC. 115. The registrar of industrial unions shall be the person who for the time being holds the office of registrar of friendly societies, or such other person as the governor may from time to time appoint to be registrar of industrial unions.

EVIDENCE.

SEC. 116. The production of a gazette purporting to contain any notification made under the authority of this act shall, before all courts and persons acting judicially, be evidence of the due publication of such notification and of the truth of the matters alleged therein.

JUDICIAL NOTICE.

SEC. 117. All courts and all persons acting judicially shall take judicial notice of—

- (a) The official signature of any person who holds or has held the office of president, clerk of the court, registrar, or industrial inspector; and
- (b) The appointment and official character of any such person.

STAMP DUTY.

SEC. 118. No stamp duty shall be payable upon or in respect of any registration, certificate, agreement, award, or instrument effected, issued, or made under this act.

INVESTIGATIONS, ETC.

SEC. 119. (1) The court may of its own motion—

- (a) Direct any record to be kept by any person for the purpose of affording evidence of the compliance or noncompliance with any award or order of the court or with any industrial agreement.
 - (b) Direct the registrar or any industrial inspector to investigate and report to the court concerning any industrial dispute, breach of any industrial award or agreement, or of any provision of this act which the court may believe to exist or to have occurred.
 - (c) Direct any proceedings to be instituted and carried on by the registrar or an industrial inspector in respect of any such breach.
 - (d) Confer on the registrar or industrial inspector such powers as the court may deem necessary to enable him to carry its directions into effect.
 - (e) Empower any person to exercise any power or perform any duty which is or may be vested in an industrial inspector by or under this act, including this section.
- (2) The registrar or industrial inspector shall carry out all directions so given to him.
- (3) No order for costs shall be made against the registrar or an industrial inspector or any other person in proceedings instituted or carried on by him pursuant to the direction of the court.

CONFERENCES.

SEC. 120. (1) The president may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

(2) "Any person" in the last preceding subsection includes any person, whether connected with an industrial dispute or not, whose presence at the conference the president thinks is likely to conduce to the prevention or settlement of an industrial dispute.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the president.

Penalty: One hundred pounds (\$486.65).

(4) The conference may be held partly or wholly in public or in private, at the discretion of the president.

STATUS OF REGISTERED UNIONS.

SEC. 121. No industrial union or association duly registered under this act shall, from the date of such registration, and while so registered, be affected by the provisions of any act of the Imperial Parliament against corresponding societies or unlawful combinations in respect of any matters done in compliance with the registered rules of such union or association.

UNIONS MAY COLLECT FINES, ETC.

SEC. 122. All fines, fees, levies, and dues payable under its rules to an industrial union or association by any member thereof or to any industrial association by any union represented thereon may, in so far as they are owing to the union or association for any period subsequent to the registration thereof, be sued for and recovered in a court of summary jurisdiction.

DISPUTES BETWEEN UNIONS AND MEMBERS.

SEC. 123. Every dispute between an industrial union or association and any of its members or between an industrial association and any union represented thereon shall be decided in the manner directed by the rules of the union, or, where the dispute is with an association, by the rules of the association.

(2) On the application of a union or association, the court may order the payment by any member or (in the case of an association) by any union represented thereon of any fine, penalty, or subscription payable in pursuance of the rules aforesaid, or any contribution to a penalty incurred or money payable under an award or order of the court; but no such contribution on the part of a member shall exceed ten pounds.

EXPULSION OF MEMBERS.

SEC. 124. The court may, on the application of any industrial union or association, order that any member thereof shall cease to be a member as from a date and for a period to be named in the order, or that any union represented on an association shall cease to be so represented from such a date and for such a period.

REGULATIONS.

SEC. 125. (1) The court may, with the approval of the governor, make regulations for any of the following purposes:

(i) Prescribing the forms of certificates, notices, returns, or other instruments or documents to be used for the purposes of this act;

(ii) Prescribing the duties of the clerk of the court and of all other officers and persons acting in the execution of this act;

(iii) Providing for the mode in which recommendations by industrial unions as to the appointment of members of the court shall be made and authenticated;

(iv) Regulating the practice and procedure of the court and providing for the effective exercise of its jurisdiction more especially but not so as to limit the generality of its powers in the premises with reference to—

- (a) The times and places for the sitting of the court;
- (b) The summoning of parties and of witnesses;
- (c) The allowances to witnesses;
- (d) The enforcement of the awards, orders, judgments, convictions, and sentences of the court;

(v) Prescribing what fees shall be paid in respect of any proceeding before the court, and the party by whom such fees shall be paid;

(vi) Prescribing any act or thing necessary to supplement or render more effectual the provisions of this act as to the conduct of proceedings before the court; and

(vii) Providing for any matters which by this act are required or permitted to be prescribed or which it may be necessary or convenient to regulate (either generally or in any particular case) for giving effect to this act.

(2) Any regulations made or purporting to be made under this act—

- (i) Shall be published in the Gazette;
- (ii) Shall take effect from the date of publication or from a later date to be therein specified;

(iii) May impose a penalty not exceeding twenty pounds for any breach thereof;

(iv) May provide for the imprisonment of any person in default of payment of any fine or penalty payable under any award, order, judgment, conviction, or sentence of the court, but so that the term of imprisonment shall not exceed the term that a person might be required to serve under the justices act, 1902, or any amendment thereof, in respect of the nonpayment of a fine of similar amount;

(v) Shall, subject as hereinafter provided, and except in so far as they may be in conflict with the express provisions of this or any other act, be conclusively deemed to be valid.

(3) All such regulations shall be laid before both Houses of Parliament if Parliament is in session, and if not, then within seven days after the commencement of the next session.

(4) If either house passes a resolution at any time within thirty days after such regulations have been laid before such house disallowing any regulations, such regulation shall cease to have effect.

(5) The regulations made under the industrial conciliation and arbitration act, 1902, shall, subject to this act and the regulations thereunder, remain in force, but may at any time be repealed by regulations made under this act.

CONTRACTING OUT.

SEC. 128. (1) Subject to section thirty-nine no person shall be freed or discharged from any liability or penalty or from the obligation of any industrial award or agreement by reason of any contract made or entered into by him or on his behalf, and every contract, in so far as it purports to annul or vary such award or agreement, shall, to that extent, be null and void without prejudice to the other provisions of the contract which shall be deemed to be severable from any provisions hereby annulled.

CONTRACTS VOID.

(2) Every worker shall be entitled to be paid by his employer in accordance with any industrial agreement or award binding on his employer and applicable to him and to the work performed, notwithstanding any contract or pretended contract to the contrary, and such worker may recover as wages the amount to which he is hereby declared entitled in any court of competent jurisdiction, but every action for the recovery of any such amount must be commenced within three months from the time when the cause of action arose.

QUEENSLAND.

[No. 19.]

AN ACT To make better provision for industrial peace and for purposes incidental to that object.

PART I.—PRELIMINARY.**SHORT TITLE.**

SECTION 1. This act may be cited as the *Industrial Peace Act of 1912*.

DEFINITIONS.

SEC. 3. In this act, unless the context otherwise indicates, the following terms have the meanings respectively set out against them, that is to say—

APPRENTICE.

"Apprentice," any person under twenty-one years of age bound by indentures of apprenticeship for the purpose of being instructed in the knowledge and practice of any calling to which this act applies for a period of not less than three years; the term does not include a State child within the meaning of the State children act of 1911, or any aboriginal within the meaning of the aboriginals protection and restriction of the sale of opium acts, 1897 to 1901.

AWARD.

"Award"—award of an industrial board or of the court, the term includes a determination of a special board appointed under the repealed acts in existence at the passing of this act.

CALLING.

"Calling," any calling, craft, business, or other occupation to which this act applies.

COURT.

"Court," the industrial court constituted by this act.

CROWN.

"Crown" includes any State department and the officers thereof and the corporations, respectively, of the railway commissioner and the secretary for public instruction in Queensland, and the officers of such corporations, respectively, but does not include the corporation of the "treasurer," created under or for the purposes of the sugar works guarantee acts, 1893 to 1908, or the sugar works act of 1911, or any officer of such corporation.

DECISION.

"Decision" includes any award or order of the court.

EMPLOYEE.

"Employee," any employee, whether on wages or piecework rates, in any calling to which this act applies; the term includes any person whose usual occupation is that of employee in such calling; the term does not include the Crown or any person in the public service of the Crown; also the term does not include any member of a family in the employment of a parent, or any aboriginal within the meaning of the aboriginals protection and restriction of the sale of opium acts, 1897 to 1901.

EMPLOYER.

"Employer," any person, company, corporation, firm, or association employing or usually employing one or more employees, whether on behalf of himself or

any other person; the term includes the managing director or the manager of any company, firm, or association, corporate or unincorporate, and every manager for any employer, also local authorities, harbor boards, water authorities, the metropolitan water and sewerage board, and all other local bodies constituted by or under any act; the term does not include the Crown.

IMPROVER.

"Improver," any person under twenty-one years of age who receives a lower wages price or rate than that fixed by any award for ordinary adult employees, or, who, being over twenty-one years of age, holds a license to work as an improver. The term includes every apprentice who is bound under indenture for a period of less than three years, but does not include any other apprentice or any young worker; the term does not include a State child within the meaning of the State children act of 1911 or any aboriginal within the meaning of the aborigines protection and restriction of the sale of opium acts, 1897 to 1901.

INDUSTRIAL AGREEMENT.

"Industrial agreement," an industrial agreement made under the repealed acts and subsisting at the passing of this act, or an industrial agreement made under this act.

INDUSTRIAL ASSOCIATION.

"Industrial association," any association, society, organization, or union whatsoever of persons, firms, or companies, whether of employers or of employees, and whether registered under any law or unregistered, having as its principal object the protection or furtherance of the privileges, rights, or property of its members in connection with industrial matters.

INDUSTRIAL BOARD.

"Industrial board" or "board," a special board appointed under the repealed acts, or an industrial board appointed under this act.

INDUSTRIAL DISPUTE.

"Industrial dispute," any dispute as to any industrial matter. The term does not include any dispute as to any industrial matter arising in connection with employment by or under the Crown.

INDUSTRIAL MATTERS.

"Industrial matters," matters or things affecting or relating to work done or to be done or the privileges, rights, or duties of employers or employees in any calling to which this act applies, or of persons who intend or propose to be employers or employees in any such calling, not involving questions which are or may be the subject of proceedings for an indictable offense; without limiting the ordinary meaning of this definition, the term includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any persons employed or to be employed in any calling, or the piecework or other rates or prices paid or to be paid therein in respect of that employment, including the wages, allowances, or remuneration to be paid for work done during overtime or, subject to this act, on holidays, or for other special work, and also including the question whether piecework shall be allowed in any calling;

(b) The hours of employment in any calling, including the lengths of time to be worked to entitle employees therein to any given wages allowances, remuneration, or prices, and what times shall be regarded as overtime;

(c) The sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether any persons shall be disqualified for employment in a calling for any reason other than their membership or nonmembership of any industrial association;

(d) The number or proportionate number of aged, slow, or infirm workers, apprentices, and improvers that may be employed by an employer in any calling, and the lowest prices or rates payable to them;

(e) The relationship of master and apprentice;

(f) The employment of children or young workers, or of any person or class of persons in any calling;

(g) The right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons in any calling for any reason other than their membership or nonmembership of any industrial association;

(h) Any established or alleged established custom or usage of any calling, either general or in any particular locality;

(i) All matters prescribed;

(j) All questions of what is fair and right in relation to any industrial matter, having regard to the interests of the persons immediately concerned and of the community as a whole.

JUDGE.

"Judge," a judge of the court, or any acting judge thereof.

LOCKOUT.

"Lockout," the act of an employer in closing his place of business, or suspending or discontinuing his business or any branch thereof, or a refusal or failure by an employer to continue to employ any number of his employees, with intent—

(a) To compel or induce any employees to agree to terms of employment, or comply with any demands made upon them by the said or any other employer; or

(b) To cause loss or inconvenience to his employees, or any of them; or

(c) To incite, instigate, aid, abet, or procure any other lockout; or

(d) To assist any other employer to compel or induce any employees to agree to terms of employment, or comply with any demands made by him;

MINISTER.

"Minister," the minister of the Crown for the time being charged with the administration of this act.

PRESCRIBED.

"Prescribed," prescribed by this act.

REGISTRAR.

"Registrar," the industrial registrar appointed under this act: The term includes any deputy or assistant industrial registrar so appointed.

REGULATIONS.

"Regulations," regulations made under this act.

REPEALED ACTS.

"Repealed acts," the wages boards acts, 1908 to 1912.

RULES OF COURT.

"Rules of court," rules made by the court under this act.

STRIKE.

"Strike," the act of any number of employees, who are or have been in the employment either of the same employer or different employers, in discontinuing their employment, whether wholly or partially, or in ceasing to work, or in refusing or failing to continue to work therein, or in breaking their contracts of service, or in refusing or failing after any such discontinuance or cessation of work to resume work or return to their employment, the said discontinuance, cessation, breach, refusal, or failure being due to or in pursuance of

any combination, agreement, or understanding, whether expressed or implied, entered into by the said employees or any of them with intent—

(a) To compel or induce any such employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by the employees or any of them or by any other employees; or

(b) To cause loss or inconvenience to any such employer in the conduct of his business; or

(c) To incite, instigate, aid, abet, or procure any other strike; or

(d) To assist employees in the employment of any other employer to compel or induce that employer to agree to terms of employment, or to employ or cease to employ any person or class of persons, or to comply with any demands made by any employees.

THIS ACT.

“This act” includes rules of court and regulations made under this act.

YOUNG WORKER.

“Young worker,” any person under twenty-one years of age (other than an apprentice or an improver) who receives a lower wages price or rate than that fixed by any award for ordinary adult employees: The term does not include a State child within the meaning of the State children act of 1911, or any aboriginal within the meaning of the aboriginals protection and restriction of the sale of opium acts, 1897 to 1901.

APPLICATION OF ACT—SCHEDULE II.

SEC. 5. This act applies to the callings enumerated in the second schedule to this act, and to such other callings as the governor in council may from time to time, by order in council published in the Gazette, declare to be callings within the meaning and for the purposes of this act, and to all employers and employees in every such calling, but does not apply to any other calling, trade, employment, business, undertaking, or industry whatsoever.

PART II—THE INDUSTRIAL COURT.

CONSTITUTION OF COURT.

SEC. 6. (1) There is hereby constituted a court to be called the industrial court, which shall be a court of record and shall have a seal, which shall be judicially noticed.

(2) The governor in council shall, by commission in His Majesty's name, appoint the judge of the court.

(3) The governor in council may, if and as he deems it necessary, in like manner, appoint an acting judge or acting judges of the court.

(4) A judge or acting judge so appointed shall be a barrister or solicitor of not less than five years' standing or a judge of the supreme court or district court.

(5) The salary of a judge of the court shall be such amount as is fixed by the governor in council as regards the particular judge, but shall not exceed the salary for the time being of the puisne judges of the supreme court, and such salary shall not be diminished during his continuance in office.

(6) Notwithstanding anything contained in any other act, if a judge of the supreme court or district court is appointed a judge of the court, he shall retain his office as a judge of the supreme court or district court. If a judge of the supreme court, he shall perform the functions of a judge under this act without extra remuneration. If a judge of the district court, he shall for the performance of the functions of a judge under this act receive such extra remuneration as the governor in council may fix.

(7) A judge or acting judge sitting alone shall constitute the court; and, except as is herein otherwise provided, all the powers and functions of the court may be exercised by any such judge sitting or acting alone.

(8) If more than one judge is sitting at the same time, each of them shall constitute the court.

(9) A judge of the court, other than an acting judge, shall be entitled to hold office for a period of seven years.

A judge or acting judge shall be eligible for reappointment and shall be liable to be removed from office in the same manner and upon the same grounds as a judge of the supreme court is by law liable to be removed from office.

(10) If the period of office of any judge or acting judge expires during the continuance of any investigation or any matter on which he has entered as judge, the governor in council may (and from time to time, if necessary), without reappointment, continue him in office for such time as is necessary to enable him to complete such investigation or matter.

JURISDICTION OF COURT.

SEC. 7. (1) Subject to this act, the court shall have jurisdiction over all industrial matters and industrial disputes in any calling which are submitted to it—

(a) By the minister or the registrar as proper to be dealt with by it in the public interest; or

(b) By an employer employing or usually employing, or any number of employers employing or usually employing, not less than twenty employees in any calling; or

(c) By not less than twenty employees in any calling;
and the court in the exercise of such jurisdiction shall have all the powers and authorities of a board and may make such awards and orders as it thinks proper.

(2) The registrar may at any time submit to the court that a board appointed for any calling has been guilty of willful or unnecessary delay in making an award with respect to any industrial matter or industrial dispute within its jurisdiction, whereupon the court may call upon the board to show cause why the court should not exercise the functions and jurisdiction of the board with respect to such matter or dispute.

The court, if after due inquiry it is satisfied that the board has been guilty of such delay as aforesaid, may make an order that the functions and jurisdiction of the board as aforesaid shall be exercisable by the court.

Upon such order being made, the court shall have all the jurisdiction, powers, and authorities of the board and may make such award and orders with respect to the matter or dispute in question as it thinks proper, and the board shall cease to exercise its functions or to have jurisdiction with respect thereto.

(3) Save as last aforesaid, the court shall not (except by way of appeal under this act) have jurisdiction over any industrial matter or industrial dispute concerning any calling for which a board is in existence.

APPEAL TO THE COURT FROM A BOARD.

SEC. 8. (1) There shall be an appeal to the court against any award of a board or any part thereof or any proceedings of a board.

Such appeal may be brought by any person bound by the award or aggrieved by the proceedings, or by any industrial association interested therein, and shall be commenced within six weeks after the publication of the award in the Gazette or the taking of the proceedings, or within such further time as the court on an application for an extension of time deems proper.

(2) Notwithstanding anything herein contained, the Crown may at any time after the making of an award by a board appeal against such award or any part thereof to the court. In such case the governor in council may, if he thinks fit, by order in council published in the Gazette, suspend the award or part thereof appealed against for any period not exceeding three months.

(3) Save as last aforesaid, the pendency of an appeal against an award or part thereof shall not, unless the court otherwise orders, suspend or delay the operation of such award or part thereof.

POWERS OF COURT ON APPEAL.

(4) On an appeal the court may allow any person or industrial association interested to become a party to the proceedings and may take fresh evidence, and shall have all the powers and authorities of a board, and may confirm, vary, or rescind the award or make a new award, or may make such other orders as it thinks proper.

(5) The expression "appeal" in this act includes proceedings by way of prohibition with respect to an award or any proceeding of a board.

WHEN JUDGE TO ACT.

SEC. 9. The judge may act as a mediator in any industrial matter or industrial dispute, whether or not it is within the jurisdiction of the court, in all cases in which it appears to him that his mediation is desirable in the public interest.

WHEN JUDGE MAY CONVENE COMPULSORY CONFERENCE.

SEC. 10. (1) The judge may, whenever in his opinion it is desirable for the purpose of preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

(2) Any person may be so summoned, notwithstanding that he is not connected with the dispute, if the judge thinks that such person's presence at the conference is likely to conduce to the prevention or settlement of the dispute.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the judge, and in default shall be guilty of contempt of court, and by order of the judge shall be liable to a penalty not exceeding one hundred pounds.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the judge.

(5) Any person so summoned, who attends pursuant to the summons and continues his attendance as directed by the judge, shall be entitled to be paid by the Crown such (if any) amount as the judge certifies to be a reasonable recompense for his expenses and loss of time.

JURISDICTION OF THE COURT EXCLUSIVE.

SEC. 11. The jurisdiction of the court in all industrial matters and industrial disputes, whether original or by appeal, conferred on it by this act shall be exclusive.

CONCILIATION.

SEC. 12. (1) In the course of the hearing, inquiry, or investigation (including any compulsory conference summoned by the judge as hereinbefore provided) of any industrial matter or industrial dispute the court shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the matter or bringing about the settlement of the matter or dispute by amicable agreement.

AGREEMENT TO HAVE EFFECT OF AWARD.

(2) If an agreement is arrived at a memorandum of its terms shall be made in writing and certified by the judge, and such memorandum shall be filed in the office of the registrar, and, unless otherwise ordered and subject as may be directed by the court, shall have the same effect as, and be deemed to be, an award of the court.

FORM, EFFECT, AND CONTINUANCE OF AWARD.

SEC. 13. (1) The award of the court in any industrial matter or industrial dispute shall be framed in such a manner as to best express the decision of the court and to avoid unnecessary technicality, and shall, subject to any variation ordered by the court, take effect and have the force of law within the locality specified in the award, and continue in force for a period to be specified in the award not exceeding twelve months from the date thereof unless sooner rescinded or varied.

(2) After the expiration of the period so specified; the award shall, unless the court otherwise orders, continue in force until a new award has been made.

ON WHOM AWARD IS TO BE BINDING.

SEC. 14. The award shall be binding on—

(a) All parties to the industrial matter or industrial dispute who appear or are represented before the court;

(b) All parties who have been summoned to appear before the court as parties to the matter or dispute, whether they have appeared in answer to the

summons or not, unless the court is of opinion that they were improperly summoned before it as parties;

(c) All industrial associations connected with the calling to which the award applies;

(d) All members of industrial associations bound by the award;

(e) All employers and employees in the locality to which the award applies in the calling to which it applies; and

(f) All persons who, whether as employers or employees, are engaged in that calling in that locality at any time while the award remains in force.

COURT MAY RESCIND OR VARY ANY OF ITS ACTS.

SEC. 15. (1) Subject to this act, the court may rescind or vary any decision, recommendation, direction, appointment, reference, or other act made or done by it.

But no decision shall be varied or reopened except on the application of a party thereto, or of a person or industrial association bound thereby, or affected or aggrieved by the decision or claiming to be so affected or aggrieved.

(2) Where any recommendation of the court has been acted on and the court afterwards rescinds or varies the same, it shall be in the discretion of the governor in council either to cancel the action taken by him in pursuance of such recommendation, or to vary it to accord with the rescission or variation of the court.

DECISION OF COURT TO BE FINAL.

SEC. 16. Save as is provided by the last preceding section, any decision of the court, whether acting in its original or appellate jurisdiction, shall be final, and shall not be removable to any other court by certiorari or otherwise.

No decision or proceeding of any kind whatever of the court shall be challenged, appealed against, reviewed, quashed, or called in question in any other court or tribunal on any account whatever.

APPOINTMENT OF REGISTRAR.

SEC. 17. (1) The governor in council may appoint an industrial registrar and one or more assistant industrial registrars, who shall have the prescribed powers and duties.

DEPUTY REGISTRAR.

(2) The governor in council may appoint any person to act as a deputy for the registrar for a time not exceeding in any case thirty days while such registrar is absent from his duties for any cause; and every such deputy shall while so acting have the same jurisdiction and powers and perform the same duties as if he were the registrar.

POWERS AND PROCEDURE OF THE COURT—SCHEDULE III.

SEC. 18. The provisions set forth in the third schedule to this act shall be applicable in all matters with respect to which the court has jurisdiction, whether original or by way of appeal, and shall be observed.

PART III. INDUSTRIAL BOARDS.

CREATION OF BOARDS.

SEC. 19. (1) Industrial boards may be created for any calling to which this act applies.

No board shall be created except on the recommendation of the court.

(2) Before any board is created application therefor shall be made to the registrar.

(3) Such application may be made by—

(a) Such number of employers in any calling as is prescribed by rules of court; or

(b) Such number of employees in any calling as is prescribed by rules of court.

The registrar shall submit every such application to the court.

(4) The court shall inquire into the matter of the application and furnish its recommendation to the minister.

5. The court may recommend—

- (a) The creation of a new board; or
- (b) That the jurisdiction of an existing board should be extended to the calling of the applicants or any of them; or
- (c) That the locality in which an existing board has jurisdiction should be extended or diminished, and that in consequence the number of its members should be altered as specified; or
- (d) That, for the purposes of the creation of a board or boards and the jurisdiction of the same, certain specified callings should be transposed, divided, combined, rearranged, or regrouped; or
- (e) That no action be taken in the matter of an application.

RECOMMENDATIONS OF COURT.

If the court recommends the creation of a new board, it shall also state the calling for which the board should be created, and the number of members of the board, and, if the board is to have jurisdiction limited in area, the locality in which it should have jurisdiction.

If the court recommends that the jurisdiction of an existing board should be extended, it shall also state the calling with respect to which such jurisdiction should be extended, and what increase, if any, in the number of members of the existing board should be made.

If the court recommends any transposition, division, combination, rearrangement, or regrouping of callings, it shall also state the boards and awards or industrial agreements, whether existing at the passing of this act or thereafter created or made, which would be affected thereby, and recommend what board or boards, if any, should be dissolved, or what board or boards with what number of members should be created, or what increase, if any, in the number of members of any existing board or boards should be made, and what award or awards and industrial agreement or agreements, if any, should be rescinded or varied, and the extent of such variance.

ACTION OF GOVERNOR.

(6) Thereupon the governor in council may, by order in council—

- (a) Create a new board, and declare the number of its members, the calling for which it is created, and assign a name to the board; or
- (b) Extend the jurisdiction of the existing board referred to by the court to the calling over which the court has recommended that it should have jurisdiction, and, if required, increase the number of members thereof; or
- (c) Extend or diminish the locality in which an existing board shall have jurisdiction, and, if deemed necessary, alter the number of its members; or
- (d) Transpose, divide, combine, rearrange, or regroup the callings concerned, and dissolve such board or boards and create such board or boards with such number of members as may be specified, or, if required, increase the number of members of any existing board or boards.

In every case, if any board is to have jurisdiction limited in area, the locality in which it is to have jurisdiction shall be declared.

In every case in which the number of members of a board is altered, the equality of representation thereon of employers and employees shall be preserved. If such number is decreased, the order shall declare what members shall forthwith go out of office.

In every case where the governor in council acts under this subsection, he may rescind or vary such award or awards or industrial agreement or agreements as in his judgment will more effectually insure the purposes and objects of this act.

(7) Notwithstanding anything hereinbefore contained, the court may of its own motion at any time make any recommendation to the governor in council which it has power to make after application as hereinbefore mentioned, and the governor in council may act on any such recommendation.

CONSTITUTION OF BOARDS.

SEC. 20. (1) Subject to this act, boards shall consist of not less than four nor more than twelve members and a chairman, as shall be declared in the order.

(2) The governor in council may, on the recommendation of the court, at any time remove any member of a board and, in accordance with this act, appoint another member in his stead.

(3) Any board may be appointed with jurisdiction throughout the whole State or with jurisdiction limited to any specified locality or localities.

(4) Subject to this act, the governor in council on the recommendation of the court, may, if he thinks fit, from time to time, increase the number of members or decrease the number of members of a board, whether appointed before or after the passing of this act, provided that the number thereof shall not exceed twelve or be less than four, exclusive of the chairman, and that the number of representatives of employers and employees, respectively, as herein-after provided shall always remain equal.

(5) One-half of the members of a board shall be appointed as representatives of employers, and one-half as representatives of employees.

REPRESENTATIVES.

(6) The representatives of the employers shall be at the date of their appointment bona fide and actual employers in the calling concerned, and the representatives of the employees shall be at the date of their appointment bona fide and actual employees in such calling, and, in each case if a board has jurisdiction limited in area, within such area. The president or chairman of any local body which is an employer within the meaning of this act, and any manager of a sugar works vested in or controlled by the corporation of the "treasurer," shall be eligible to be an employers' representative.

TERM OF OFFICE.

(7) Subject to this act—

(a) Appointments as members of a board shall be for three years only, but any member of a board may, on the expiration of his term of office, be re-appointed;

(b) When the number of members is increased, the new members shall be appointed for such period as will require them to go out of office in the usual course when the existing members so go out of office;

(c) The chairman of a board shall be deemed to be a member thereof:

Provided that when the order in council appointing a board is rescinded the members of such board shall forthwith cease to hold office.

ELECTION AND APPOINTMENT OF BOARD.

SEC. 21. Within two months after a notification by the registrar published in the Gazette of the creation by the governor in council of a board for any calling, or of the extension by the governor in council of the jurisdiction of an existing board to any calling and of the increase of the number of members of any board, or of the extension of the locality in which the board shall have jurisdiction and of the increase of the number of its members, the employers and employees in such calling shall elect their respective proportions of such board or, if required, of the increased number of members for such calling.

Notwithstanding anything contained in this act, where in any locality there is only one employer in any calling, such employer may elect any persons other than members of the legal profession, whether qualified or not, as his proportion of such board.

The names of the persons so elected shall be filed in the office of the registrar. If the registrar is satisfied that such persons are duly qualified and have been duly elected, he shall forward a certificate to that effect to the minister. The registrar shall refer to the court any matter of dispute arising with respect to any such qualification or election, and the court shall inquire into the same, and may order the registrar to forward the prescribed certificate, or order a fresh election, or make any other order in the premises as it thinks proper, and every such order shall be final and without appeal.

Upon receiving the aforesaid certificate, the governor in council, by notice published in the Gazette, shall appoint the persons named therein as representatives of employers and representatives of employees to be members of such board:

Provided, however, that if the employers or the employees fail to make such election within the time herein limited the governor in council shall, by

notice published in the Gazette, appoint persons as representatives of such employers or employees failing to make such election.

VACANCIES, HOW FILLED.

SEC. 22. If any vacancy occurs from any cause whatsoever in a board it shall be filled by election as aforesaid by the employers or employees whose representative has caused such vacancy, and the governor in council, by notice published in the Gazette, shall appoint the person so elected, or, in default of such election within one month after the vacancy has arisen, he shall, by notice as aforesaid, of his own motion appoint some person as representative of the employers or employees (as the case may require) for the unexpired portion of the term of office of the member who has vacated his seat.

APPOINTMENT OF CHAIRMAN.

SEC. 23. (1) The members of a board shall, within twenty-eight days after their appointment, nominate in writing to the registrar some person (not being one of such members) to be chairman of the board.

The registrar shall forward a certificate to the minister stating the name of the person so nominated, whereupon such person shall be appointed by the governor in council to such office.

(2) If the registrar does not receive such nomination within twenty-eight days after the appointment of the said members then the governor in council may appoint the chairman on the recommendation of the court.

(3) Any vacancy which occurs in the office of chairman shall be filled in like manner, and the person so appointed shall hold office only for the unexpired portion of the term of office of the person who has vacated office.

REMOVAL OF CHAIRMAN OF BOARD FOR NEGLECT OF DUTY.

(4) If at any time the court, on a submission by the registrar, is of opinion that the chairman of a board has willfully neglected to perform any of his prescribed duties, the court may, after hearing such chairman, recommend to the governor in council that he be removed from office, and that some other person to be named (not being already a member of the board) be appointed in his place; thereupon the governor in council may remove such chairman and appoint such other person.

OATH OF OFFICE.

SEC. 24. Before the chairman or any member of a board enters upon the duties of his office he shall take and sign before a police magistrate an oath or affirmation that he will faithfully exercise and discharge the powers and duties of his office without fear of or favor to any person, and will not therein willfully make any false or inaccurate statement. Every such oath or affirmation shall be filed in the office of the registrar and recorded.

JURISDICTION OF BOARD.

SEC. 25. A board may, with respect to the calling for which it has been created, make an award determining any industrial matter or dispute in connection with such calling.

EXERCISE OF POWERS.

SEC. 26. (1) All powers of a board may be exercised by a majority of the members thereof.

EFFECT OF VACANCY CAUSED BY RESIGNATION.

(2) During any vacancy in a board (other than in the office of chairman) caused by the resignation of a member the continuing members may act as if no vacancy existed.

CHAIRMAN MAY ADMINISTER OATHS, ETC.

SEC. 27. The chairman may require any person (including a member) giving evidence before a board to give his evidence on oath or affirmation, and for such purpose may administer an oath or take an affirmation.

For the purposes of compelling the attendance of persons to give evidence and the punishment of persons failing to attend when summoned or refusing to give evidence or produce documents or writings in their possession or power, the chairman shall have all the powers and authorities of a police magistrate sitting in a court of petty sessions.

AWARD OF BOARD.

Sec. 28. The award of a board shall be signed by the chairman and forwarded to the registrar, who shall forthwith publish the same in the Gazette and notify the parties.

AWARD TO REMAIN IN FORCE FOR WHAT PERIOD.

Sec. 29. Subject only to appeal to the court and to the provisions hereinbefore contained relating to the suspension of the operation of any award or part thereof, an award of a board shall, from a date fixed by the board (not being within sixty days of such award), within the locality for which the board has jurisdiction, take effect and have the force of law, and shall not be in any manner liable to be challenged or disputed, and shall be binding on—

(a) All industrial associations connected with the calling to which the award applies;

(b) All members of industrial associations bound by the award;

(c) All employers and employees in the locality to which the award applies in the calling to which it applies; and

(d) All persons who, whether as employers or employees, are engaged in that calling in that locality at any time while the award remains in force; and shall remain in force for a period of twelve months, and also thereafter until it has been amended by another award of the board or the board or court has made a new award with respect to the same matters.

When the order in council appointing a board is rescinded, such rescission shall not affect the operation of any award made by such board and then in force, but such award shall remain in force until suspended, superseded, or otherwise dealt with under this act.

INDUSTRIAL AGREEMENTS BETWEEN EMPLOYERS AND EMPLOYEES.

Sec. 30. (1) The following provisions shall be applicable in all cases where no board is in existence in connection with any particular calling:

The majority, respectively, of the employers and employees in such calling in any locality may enter into an industrial agreement with respect to all or any of the matters which would under this act be within the jurisdiction of a board if such board had been created for such calling, and may transmit such agreement, duly verified by their respective representatives, to the registrar, with a request that the same shall be sanctioned by the court.

The court shall make such inquiry into the matter of such agreement as it thinks proper, and may hear any objection thereto by any persons not parties thereto who are employers or employees in the calling and locality in question.

If the court is satisfied that the agreement has been entered into by a majority of the said employers and employees, respectively, in such locality, and that such agreement is not contrary to this act, the court may sanction the agreement. Thereupon the agreement shall have the same effect as and shall be deemed to be an award of the court for all the purposes of this act.

EXISTING INDUSTRIAL AGREEMENTS.

(2) Every industrial agreement entered into pursuant to section forty-eight of the wages boards act of 1908, and subsisting at the date of the passing of this act, shall be deemed to have been made and entered into pursuant to the last preceding subsection, and shall be construed and have effect accordingly.

PART IV.—BREACHES OF AWARDS AND OTHER OFFENSES.

POWER TO RECOVER RATE DETERMINED.

Sec. 31. Where any employer employs any person who does any work for him for which an award has fixed the lowest prices or rates, then such employer

shall be liable to pay and shall pay in full in money, without any deduction whatever, to such person the price or rate so fixed; but this provision shall not be construed to prohibit a deduction agreed upon between an employer and any of his employees by way of contribution to any hospital or benevolent or provident fund; and such person, if within thirty days after such money became due he claims the amount thereof in writing and is not paid the same in full, may within sixty days after the date of such claim, take proceedings in any court of competent jurisdiction to recover from the employer the full amount or any balance due in accordance with the award, any smaller payment, or any express or implied agreement or contract to the contrary notwithstanding.

PENALTY FOR BREACH OF AWARD.

SEC. 32. (1) Any industrial association or person which or who commits a breach or nonobservance of an award, whether by contravening or failing to observe the same or otherwise, shall be liable to a penalty not exceeding in the case of an association £500 (\$2,433.25), in the case of an employer £250 (\$1,216.63), and in the case of an employee £10 (\$48.67).

INJUNCTION.

(2) When any industrial association, or person is convicted of an offense under the last preceding subsection, the magistrate, if of opinion that the breach or nonobservance was committed in willful defiance of the award, may, on motion or without motion, and in addition to any penalty imposed, grant an order in the nature of an injunction to restrain such association or person from committing any further or other breach or nonobservance of the award.

(3) If such person disobeys the said order, he shall, if an individual, be liable to imprisonment with or without hard labor, for any period not exceeding three months; or if a company or an industrial association, it shall be liable to a penalty not exceeding £500 (\$2,433.25).

EMPLOYER NOT TO DISMISS EMPLOYEE.

SEC. 33. (1) If an employer dismisses any employee from his employment by reason merely of the fact that the employee is a member of a board, or has given evidence before a board or the court, or has made any application or appeal to the court, or has endeavored to secure the creation of a board, or is or is not an officer or member of an industrial association, or is entitled to the benefit of an award or of an industrial agreement, he shall be liable to a penalty not exceeding £50 (\$243.33).

EMPLOYEE NOT TO CEASE WORK.

(2) If any employee ceases work in the service of an employer by reason merely of the fact that the employer or any other employee is a member of a board, or has given evidence before a board or the court, or has made any application or appeal to the court, or has endeavored to secure the creation of a board, or is or is not a member or officer of an industrial association, or is entitled to the benefit of an award or of an industrial agreement, he shall be liable to a penalty not exceeding £10 (\$48.67).

NO DISCRIMINATION.

SEC. 34. No person shall be refused employment or in any way discriminated against on account of membership or nonmembership of any industrial association.

No person who is an employer or employee shall be discriminated against or injured or interfered with in any way whatsoever on account of membership or nonmembership of any industrial association.

Any person who acts or incites any other person to act in contravention of this section shall be liable to a penalty not exceeding £50 (\$243.33), and any industrial association which acts or incites any person to act or is in any way a party to any person acting in contravention of this section shall be liable to a penalty not exceeding £500 (\$2,433.25).

PART V. LOCKOUTS AND STRIKES.

PROHIBITION OF LOCKOUTS AND STRIKES.

SEC. 35. (1) It is unlawful—

(a) To do any act or thing in the nature of a lockout, or to take part in a lockout, or to incite to or aid in any lockout;

(b) To do any act or thing in the nature of a strike, or to take part in a strike, or to incite to or aid in any strike;

in any of the undermentioned cases, namely—

(i) In or in connection with anything which is a public utility, unless or until a compulsory conference called by the judge under section ten of this act (which conference the judge shall call) has proved abortive, and thereafter unless or until after fourteen days' notice in writing of the intention to lockout or strike has been given to the registrar, and after the registrar has in manner prescribed by rules of court taken a secret ballot amongst the employers or employees, as the case requires, in the calling concerned, and such ballot has resulted in favor of such lockout or strike; or

(ii) In any other case unless or until after fourteen days' notice in writing of the intention to lockout or strike has been given to the registrar, and after the registrar has, in manner prescribed by rules of court, taken a secret ballot amongst the employers or employees, as the case requires, in the calling concerned, and such ballot has resulted in favor of such lockout or strike;

Provided that the registrar shall in all cases where it is practicable take such ballot within such period of fourteen days.

(2) In this section the term "public utility" includes—

(a) The manufacture or supply of coal gas for any purpose;

(b) The production or supply of electricity for light or power;

(c) The supply of water for domestic purposes;

(d) The supply of milk, flour, or bread for domestic consumption;

(e) The slaughter or supply of meat for domestic consumption;

(f) The getting, sale, or delivery of coal or other fuel for any purpose;

(g) The protection of buildings and other structures from fires, and the prevention and extinguishment of fires.

PENALTY FOR LOCKOUT.

SEC. 36. (1) If in contravention of the last preceding section any person or industrial association of employers does any act or thing in the nature of a lockout, or takes part in a lockout, or incites to or aids in any lockout, such person or association shall be liable to a penalty not exceeding £1,000 (\$4,866.50).

PENALTY FOR STRIKE.

(2) If in contravention of the last preceding section any person does any act or thing in the nature of a strike, or takes part in a strike, or incites to or aids in any strike, he shall be liable to a penalty not exceeding £50 (\$243.33).

PENALTY TO BE A CHARGE ON WAGES.

Where a person is under this subsection ordered to pay a penalty, the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer, including the Crown, for wages or in respect of work done. But such charge shall not have effect so as to deprive such person of more than twenty per centum of any sum for wages or in respect of work done due to him from any employer in any one week.

Such order may be for the payment of such penalty in one sum or by such instalments as the court may direct.

On the making of any such order, the employer, on being notified thereof, shall, from time to time, pay such moneys into the court as they become payable in satisfaction of the charge imposed by the order.

No charge upon or assignment of his wages, or of moneys in respect of work done or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect any such order; and such order may be made and shall have effect as if no such charge or assignment existed.

ASSOCIATION TO CONTRIBUTE TO PAYMENTS OF PENALTY.

(3) Where any person is under the last preceding subsection ordered to pay a penalty, and it appears that he was, at the time of his doing the acts complained of, a member of an industrial association, the court may, in addition to make the charge provided for in the said subsection, order such association, or the trustees thereof, to pay out of the funds of the association any amount not exceeding £20 (\$97.33) of the penalty.

ASSOCIATION TO BE HEARD.

The court shall, before making such order, hear the said association or trustees, and shall not make such order if it is proved that the association has by means that are reasonable under the circumstances bona fide endeavored to prevent its members from doing any act or thing in the nature of a strike, or from taking part in a strike, or from inciting to or aiding in a strike.

PENALTY AGAINST ASSOCIATION.

(4) If in contravention of the last preceding section any industrial association of employees does any act or thing in the nature of a strike, or takes part in a strike, or incites to or aids in a strike, it shall be liable to a penalty not exceeding £1,000 (\$4,866.50) and, in addition, the court may, with the consent of the other parties bound by any award or industrial agreement, cancel any award or agreement, whether made under the repealed acts or this act, so far as it relates to the members of such industrial association.

WHEN ASSOCIATION DEEMED TO INCITE LOCKOUT OR STRIKE.

SEC. 37. When a lockout or strike takes place and any officer of or a majority of the members of any industrial association takes part therein or incites thereto, the association shall be deemed to have done an act in the nature of a lockout or strike, according to the nature of the case.

ORDERING MEMBERS NOT TO OFFER EMPLOYMENT.

SEC. 38. (1) Any industrial association of employers which, for the purpose of enforcing compliance with the demands of any employers, orders or incites its members to refuse to offer employment, or to continue to employ, shall be deemed to do an act in the nature of a lockout, whether a lockout actually takes place or not.

ORDERING MEMBERS NOT TO ACCEPT EMPLOYMENT.

(2) Any industrial association of employees which, for the purpose of enforcing compliance with the demands of any employees, orders or incites its members to refuse to accept employment, or to continue to be employed, shall be deemed to do an act in the nature of a strike, whether a strike actually takes place or not.

INJUNCTION.

SEC. 39. (1) When any industrial association or person has been convicted of any of the offenses constituted by this part the court may, at the time or the conviction or subsequently, make an order in the nature of an injunction to restrain such association or person from continuing or repeating such offense or committing such offense, according to the nature of the case.

Such order may be made on notice or ex parte upon the application of the registrar or any member of the police force.

(2) If any person enjoined by any such order, after service thereof, disobeys the same, he shall, if an individual, be liable to imprisonment with or without hard labor for any period not exceeding six months, or, if a company or industrial association, it shall be liable to a penalty not exceeding £1,000 (\$4,866.50).

OFFENSES MAY BE TRIED ON GENERAL SUMMONS.

SEC. 40. (1) When the registrar certifies to the court in writing that in contravention of this part a lockout or strike is taking place or is impending, the court

may, after a judge has appointed a special day for the hearing of evidence respecting the matters so certified, issue summonses to all persons and industrial associations suspected of having committed any of the offenses constituted by this part (according to the nature of the case), directing them to attend at a time and place therein mentioned; and the court may, without any complaint being made or any other summons being issued, deal with any such persons or associations shown to have been guilty of any such offenses as if they had been specially charged with such offenses.

(2) Such summonses may be served by registered letter or in any manner in which a summons in summary proceedings before justices may be served, or in manner prescribed by rules of court.

(3) Nothing in this section shall be deemed to exclude any other manner of proceeding in respect of such offenses or for the recovery of penalties.

PROCEEDINGS UNDER THIS PART TO BE IN THE COURT.

SEC. 41. Proceedings in respect of offenses under this part shall be taken and prosecuted in and be heard and determined by the court in manner prescribed by rules of court.

PART VI. MISCELLANEOUS.

SEC. 42. Every award made after the passing of this act, save as hereinafter provided, shall be deemed to contain provisions to the following effect, namely:

PAYMENT FOR CERTAIN HOLIDAYS.

(1) All work done by any employees on the following holidays, namely, New Year's Day, Good Friday, Easter Monday, the first Monday in May, the birthday of the Sovereign, Christmas Day, and Boxing Day, or on any day proclaimed to be kept in the place of any such holiday, shall be deemed overtime work and shall be paid for at the rate of time and a half.

Work done during ordinary working hours on any other day or holiday in the year shall not be deemed overtime work or be paid for at any increased rate:

Provided, That where any award made before the passing of this act contains a provision that work done on any holiday other than the holidays mentioned in this subsection shall be paid for at an increased rate, such provision with respect to such holiday may be continued in any future award of the board, whether such award is an amendment of the existing award or in substitution therefor, until it is annulled by any subsequent award or amendment thereof.

Nothing in these provisions shall have reference to Sunday work.

VARIATION OF LIMIT OF WORKING HOURS.

(2) When any person on any one day is asked to perform two or more classes of work to which a differential rate fixed by an award is applicable, such person shall be paid in respect of the time occupied in work on that day at the highest rate fixed by the award in respect of the different classes of work.

COURT TO BE GUIDED BY EQUITY AND GOOD CONSCIENCE.

SEC. 44. Notwithstanding anything in this act or in any other law or any practice to the contrary—

(a) The court or any board, in the exercise of any jurisdiction, duty, power, or function conferred or imposed upon it, shall be governed in its procedure and in its awards and decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of other courts; and

(b) The court or any board, in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks just.

This section does not apply to proceedings in respect of offenses against this act.

AWARDS TO PREVAIL OVER CONTRACTS IN CASES OF CONFLICT.

SEC. 45. Every award shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award, so far as there is any

inconsistency between the award and the contract; and the contract shall thereafter be construed and have effect as if it had been modified, so far as necessary, in order to conform to the award: *Provided*, That no such contract shall be deemed to be inconsistent with an award for the reason only that such contract provides for more favorable conditions of employment than those provided by the award.

INTERVENTION BY THE CROWN.

SEC. 46. The Crown may, where, in the opinion of the minister, the public interests are or would be likely to be affected by the decision of the court or the award of a board, intervene in any proceedings before the court or such board and make such representations as it thinks necessary in order to safeguard the public interests.

REPRESENTATION OF PARTIES AT HEARING.

SEC. 47. On the hearing or determination of any industrial matter or industrial dispute, whether before any board or the court, a party being an industrial association may be represented by a member or officer, and any other party may be represented by his agent duly appointed in writing in that behalf.

But no party shall be represented by counsel or solicitor or salaried officer of any industrial association or by any member of Parliament in any proceedings before the court or before a board.

COUNSELING OR PROCURING OFFENSES.

SEC. 48. (1) Every person who, or industrial association which, is directly or indirectly concerned in the commission of any offense against this act, or incites, counsels, takes part in, or encourages the commission of any such offense, shall be deemed to have committed that offense and shall be punishable accordingly.

ATTEMPTS.

(2) Any attempt to commit an offense against this act shall be an offense against this act punishable as if the offense had been committed.

GENERAL PENALTY.

SEC. 49. Any industrial association or person guilty of any contravention of this act, whether by commission or omission, shall, except where some penalty or punishment is specifically provided, be liable to a penalty not exceeding in the case of an industrial association or company £100 (\$486.65), or in the case of a person £10 (\$48.67).

RECOVERY OF PENALTY IMPOSED ON ASSOCIATION.

SEC. 50. (1) Where a penalty is imposed under this act on an industrial association, or an industrial association is under this act ordered to pay any sum, then, for the recovery of such penalty or sum, process may be issued and executed against the property of such association, or any property in which such association has a beneficial interest, whether vested in trustees or howsoever otherwise held, in the same manner as if the association were an incorporated company and the absolute owner of the property or interest.

(2) For the purposes of this section the property of an association shall be deemed to include the property of any association forming part of the first-mentioned association, or in which it has a beneficial interest, whether vested in trustees or howsoever otherwise held.

PROCEEDINGS FOR OFFENSES GENERALLY.

SEC. 51. (1) Proceedings in respect of offenses against this act shall, except where otherwise provided, be by complaint, and be heard and determined in a summary manner by a police magistrate: *Provided*, That appeals by way of quashing order or special case from the decision of a police magistrate shall lie to the court constituted under this act and not to the supreme court.

(2) The proceedings on such appeal shall, unless and until otherwise prescribed by rules of court, be regulated, *mutatis mutandis*, by the justices acts, 1886 to 1909: *Provided, That*—

(i) The court on upholding a conviction may increase the term of imprisonment or the penalty, as the case may be, to such term or amount not exceeding that permitted by this act, or may reduce such term or penalty as the court deems proper;

(ii) The court may make such order concerning costs as it deems proper.

AWARD AS TO MINIMUM WAGE TO BE POSTED UP.

SEC. 52. There shall be kept printed, painted, or affixed in legible roman characters, in some conspicuous place at or near the entrance of every factory, workroom, shop, or premises to which an award applies, in such a position as to be easily read by the employees therein, a true copy of the award as to the lowest prices or rates of payment fixed by the award.

EVIDENCE OF ORDERS.

SEC. 53. (1) A copy of the Gazette containing an order purporting to be made by the governor in council under this act shall be conclusive evidence of the making of such order, and such order shall not be liable to be challenged or disputed in any court whatever.

EVIDENCE OF AWARD.

(2) An office copy of or copy of the Gazette containing an award, order, decision, or other act of the court, purporting to be sealed with the seal of the court, or an office copy of an award of a board, certified to be true under the hand of the registrar, or a copy of the Gazette containing the same, shall be received in all courts and tribunals and before all persons as evidence of such award, order, decision, or other act without further proof; and it shall not be necessary to prove any condition precedent entitling the court or board to make the decision, order, or award.

CERTIFICATE AS TO MEMBERSHIP.

(3) A certificate of the registrar that any specified person was at any specified time qualified or elected to be or was the chairman or a member of any specified industrial association shall (subject to review by a judge) be conclusive evidence that the facts were as stated.

SPECIAL MODE OF SERVICE MAY BE DIRECTED.

SEC. 54. When it is made to appear to a judge or to the chairman of a board that personal or other service of any summons, notice, or other document in connection with or for the purposes of any proceeding in or intended to be brought in the court or before the board can not promptly be effected in manner prescribed, the judge or chairman may, in his discretion, make any order for substituted or other service or the substitution for service of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

POWERS OF ENTRY FOR INSPECTION OF FACTORIES, ETC.

SEC. 55. (1) A judge or a board and (upon being authorized in writing by a judge) any officer of the court or any other person, or (upon being authorized in writing by the chairman) any member of a board or any other person, without any other warrant than this act, may at any time during working hours—

(a) Enter any place or premises or any ship or vessel of any kind whatsoever, wherein or in respect of which any calling is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute exists or is threatened or impending or will probably arise, or any industrial matter within the jurisdiction of the court or such board exists, or any award has been made, or any offense against this act is suspected.

INSPECTION OF WORK AND INTERROGATION OF PERSONS.

(b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever, being in such place, premises, ship, or vessel.

(c) Interrogate any person or persons who may be in or upon such place, premises, ship, or vessel in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) Every person who hinders or obstructs a judge, or a board or any member thereof, or any officer of the court or other person, in the exercise of any power conferred by this section, or who refuses or unduly delays to a judge, or a board, or any officer of the court, member of a board, or other person authorized as aforesaid, entrance during any such times as aforesaid to any such place, premises, ship, or vessel, or refuses to answer any question put to him as aforesaid, or gives or makes any information or statement which is to his knowledge false, shall be liable to a penalty not exceeding £50 (\$243.33).

FALSE STATEMENTS, ETC., TO EMPLOYERS.

Sec. 56. When under any award the amount of wages payable by an employer to an employee depends wholly or in part upon the age or experience or duration of previous employment of the employee, any person who, when seeking employment or while an employee, gives or makes to an employer any information or statement relating to any such matters which is false to the knowledge of such person or employee shall be liable to a penalty not exceeding £20 (\$97.33).

INSPECTORS AND THEIR DUTIES.

Sec. 57. (1) It shall be the duty of inspectors of factories and shops to see that the provisions of awards and orders of the court and of boards are duly observed.

(2) In the discharge of such duty an inspector may require any employer or employee to produce for examination any wages books or overtime books necessary for the purpose of this act.

(3) Any such inspector who, except for the purposes of this act, and in the exercise of his functions under this act, discloses to any person any information which, in the exercise of such functions, he acquires, shall be liable to a penalty not exceeding £50 (\$243.33).

SAVING OF RIGHTS OF ACTION AND OF CRIMINAL CODE.

Sec. 58. Nothing contained in this act shall affect any right of action in respect of any actionable wrong which any person would have had against another if this act had not been passed.

Nothing contained in this act shall affect the provisions of the criminal code.

REGULATIONS.

Sec. 59. (1) The governor in council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this act or that may be necessary or expedient to carry out the objects and purposes of this act, and, where there may be in this act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this act, providing for and supplying such omission or insufficiency.

(2) The regulations may fix a penalty, not exceeding in any case £10 (\$48.67) for any breach thereof.

(3) All such regulations shall be published in the Gazette; and thereupon, subject to subsection four hereof, shall be of the same effect as if they were contained in this act.

Such regulations shall be laid before both houses of Parliament within fourteen days after such publication, if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(4) If either house of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such house after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

POWER TO AMEND OR RESCIND ORDERS.

SEC. 60. (1) The governor in council may, by another order in council published in the Gazette, amend or rescind any order in council made under this act.

MISNOMER, ETC., NOT TO PREJUDICE.

(2) No misnomer or inaccurate description or omission in or from any order in council made under this act shall in anywise prevent or abridge the operation of this act with respect to the subject-matter, provided the same is designated so as to be understood.

INFORMALITIES.

(3) No order in council purporting to be made under this act, and being within the powers conferred on the governor in council, shall be deemed invalid on account of any noncompliance with any of the matters required by this act as preliminary to the same.

EXPENSES.

SEC. 61. All moneys required for the purposes of this act shall be paid out of moneys provided by Parliament.

NEW SOUTH WALES.

[Industrial arbitration act, 1912, No. 17.]

AN ACT To provide for the regulation of the conditions of industries in certain particulars by means of industrial conciliation and arbitration, and for the repression of lockouts and strikes; to establish and define the powers, jurisdiction, and procedure of an industrial court and certain subsidiary tribunals; to preserve certain awards and industrial agreements; to repeal the industrial disputes act, 1908, the industrial disputes amendment act, 1908, the industrial disputes (amendment) act, 1909, and the industrial disputes (amendment) act, 1910; to amend the clerical workers act, 1910, and certain other acts; and for purposes consequent thereon or incidental thereto.

PART I.—PRELIMINARY.

SHORT TITLE.

SECTION 1. This act may be cited as the "Industrial arbitration act, 1912."

COMMENCEMENT.

SEC. 2. This act shall commence on and from a date to be proclaimed by the governor in the Gazette.

Provided, That the provisions of this act relating to the registration of industrial unions and the appointment of boards, and all provisions necessary for such registration and for making such appointments, shall come into force on the passing of this act.

REPEAL AND SAVINGS.

SEC. 4. (1) The industrial disputes act, 1908, the industrial disputes amendment act, 1908, the industrial disputes (amendment) act, 1909, and the industrial disputes (amendment) act, 1910, are repealed.

AWARDS.

(2) All awards, orders, and industrial agreements made under authority of the acts hereby repealed and in force at the commencement of this act shall, until rescinded under this act, continue in force for the respective periods fixed by such awards, orders, or industrial agreements, and shall be deemed to have been made under this act. In construing any such award, order, or industrial agreement references to the registrar shall be read as references to the registrar appointed under this act, and for the purpose of any appeal from the registrar references to the industrial court shall be read as references to the court of industrial arbitration constituted by this act.

SUMMONSES ISSUED.

(3) All summonses issued at such commencement under sections 41, 43, or 55 of the industrial disputes act, 1908, and returnable before the industrial court, shall continue in force, but shall be returnable before, and shall be heard and determined by the court of industrial arbitration constituted by this act, or by the registrar or an industrial magistrate on being referred to him by the court. For the purpose of carrying out the above provisions, the enactments of the industrial disputes act, 1908, shall continue in force and shall, *mutatis mutandis*, apply to the hearing and determination of any such matter by the court of industrial arbitration constituted by this act, and to the enforcement of any order of such court.

All documents relating to any such matters or proceedings, and filed or deposited with the industrial court, shall be handed over to the court of industrial arbitration and filed with such court.

THE REGISTRAR.

(4) The registrar appointed under any act hereby repealed, and holding office at the commencement of this act, shall be deemed to have been appointed hereunder.

REGULATIONS.

(5) All regulations made under the acts hereby repealed, and in force at the commencement of this act, shall, *mutatis mutandis*, apply as if made under this act.

DEFINITIONS.

SEC. 5. In this act, unless the context otherwise indicates, "apprentice" means an employee under 21 years of age who is serving a period of training under an indenture or other written contract for the purpose of rendering him fit to be a qualified worker in an industry.

"Award" means award under this act, and includes a variation of such award.

"Board" means industrial board constituted under this act.

"Boarding house" shall include a lodging house, and shall mean a house in which five or more paying boarders or lodgers, not being members of the proprietor's family, are accommodated.

"Calling" means craft or other occupation.

"Court" means court of industrial arbitration established by this act.

"Employee" means person employed in any industry, whether on wages or piecework rates or as member of a *butty gang*, but shall not include a member of a family in the employment of a parent; and the fact that a person is working under a contract for labor only, or substantially for labor only, or as lessee of any tools or other implements of production, or any vehicle used in the delivery of goods, shall not in itself prevent such person being held to be an employee.

"Employer" means person, firm, company, or corporation employing persons working in any industry, whether on behalf of himself or itself or any other person or on behalf of the government of the State, and includes the chief commissioner for railways and tramways, the Sydney Harbor trust commissioners, the metropolitan board of water supply and sewerage, the Hunter district water supply and sewerage board, and any council of a municipality or shire; and includes, for the purpose of constituting a board, a director, manager, or superintendent of an employer as defined as aforesaid.

"Improver" means an employee under 21 years of age who is serving for the purpose of rendering him fit to be a qualified worker in an industry or special section of an industry.

"Industrial agreement" means industrial agreement made and filed under any act hereby repealed, or under this act.¹

"Industrial court" means industrial court constituted by the repealed acts.

"Industrial magistrate" means industrial magistrate appointed under this act.

¹ Section 13 of the acts of 1901 reads as follows: "Any industrial union may make an agreement in writing relating to any industrial matter (a) with another industrial union, or (b) with an employer, which, if it is made for a specified term not exceeding three years from the making of the agreement, and if a copy thereof is filed with the registrar, shall be or become an industrial agreement within the meaning of this act."

"Industrial union" means industrial union registered as an industrial union under this act.

"Industrial matters" means matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees in any industry, not involving questions which are or may be the subject of proceedings for an indictable offense; and, without limiting the ordinary meaning of the above definition, includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any persons employed or to be employed in any industry, or the piecework, contract, or other prices paid or to be paid therein in respect of such employment.

(b) The hours of employment, sex, age, qualification, or status of employees and the mode, terms, and conditions of employment.

(c) The employment of children or young persons, or of any persons or class of persons in any industry, or the right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons therein; but not so as to give preference of employment to members of industrial unions, except in accordance with the provisions of section 24, subsection 1, paragraph (g).

(d) Any established custom or usage of any industry, either general or in any particular locality.

(e) The interpretation of an industrial agreement or award.

"Industry" means occupation or calling in which persons of either sex are employed for hire or reward.

"Judge" or "the judge" means the judge of the court of industrial arbitration and includes an additional judge of the court.

"Justice" means justice of the peace and includes a magistrate.

"Lockout" (without limiting its ordinary meaning) includes a closing of a place of employment, or a suspension of work, or a refusal by an employer to continue to employ any number of his employees with a view to compel his employees, or to aid another employer in compelling his employees, to accept terms of employment.

"Magistrate" means stipendiary or police magistrate.

"Members of a board" and "members of a conciliation committee" include the chairman of the board and of the committee, respectively.

"Metropolitan district court" means district court of the metropolitan district holden at Sydney.

"Minister" means minister of the Crown administering this act.

"Necessary commodity" includes—

(a) Coal;

(b) Gas for lighting, cooking, or industrial purposes;

(c) Water for domestic purposes; and

(d) Any article of food the deprivation of which may tend to endanger human life or cause serious bodily injury.

"Prescribed" means prescribed by this act or by regulation made thereunder.

"Registrar" means industrial registrar appointed under this act.

"Repealed acts" means the acts repealed by this act.

"Schedule" means schedule to this act, and any amendment of or addition to such schedule made in pursuance of this act.

"Strike" (without limiting its ordinary meaning) includes the cessation of work by any number of employees acting in combination, or a concerted refusal or a refusal under a common understanding by any number of employees to continue to work for an employer with a view to compel their employer, or to aid other employees in compelling their employer, to accept terms of employment, or with a view to enforce compliance with demands made by them or other employees on employers.

"Trade-union" means trade-union registered under the trade-union act, 1881, and includes a branch so registered.

INDUSTRIAL UNIONS.

REGISTRATION OF INDUSTRIAL UNION OF EMPLOYERS.

SEC. 6. The registrar may, on application made as hereinafter provided, register under this act as an industrial union of employers any person or association of persons, or any incorporated company, or association of incorporated companies, who or which has in the aggregate throughout the six

months next preceding the date of the application for registration employed on an average, taken per month, not less than 50 employees.

Such application shall be made as prescribed, and, if made by an association or company, shall be signed by a majority in number of the governing body thereof.

REGISTRATION UNDER REPEALED ACTS AND ACT OF 1901.

SEC. 7. Any person or body whose registration under the act No. 59, 1901, as an industrial union is at the commencement of this act in force, and any trade-union registered under section 9 of the Industrial disputes act, 1908, whose registration under that act is at the said commencement in force, shall, unless and until such registration is canceled, be deemed to be an industrial union.

REGISTRATION OF INDUSTRIAL UNION OF EMPLOYEES.

SEC. 8. (1) The registrar may, on application made as hereinafter provided, register under this act any trade-union of employees. On such registration the trade-union shall be an industrial union until such registration is duly canceled.

(2) Such application shall be made in writing as prescribed by the committee of management of the trade-union, and shall be signed by a majority in number of the members of such committee. Notice of any such application shall be published as prescribed.

The registrar may require such proof as he thinks necessary of the authority of the said members to make the said application.

(3) Any such application may be refused by the registrar if he is of opinion that the organization applying is not a bona fide trade-union, or if registered under this act would not be a bona fide industrial union, or if it appears that another trade-union to which the members of the applicants' union might conveniently belong has already been registered as an industrial union.

(4) The registrar shall fix a day for considering any objections on the above ground to the granting of the application, and shall notify the same as prescribed.

(5) No branch shall be registered, unless it is a bona fide branch of sufficient importance to be registered separately.

(6) Any decision of the registrar under this section in respect of an objection taken as aforesaid, or on refusal of registration, shall be subject to appeal to the court as prescribed.

(7) The court may, for any reasons which appear to it to be good, cancel the registration of any industrial union, provided that, save where otherwise mentioned in this act, such cancellation shall not relieve the industrial union, or any member thereof, from the obligation of any award or industrial agreement, or order of the court or a board, or from any penalty or liability incurred prior to such cancellation.

CANCELLATION OF REGISTRATION AT REQUEST OF UNION.

SEC. 9. (1) The court may cancel the registration of an industrial union if proof is given to its satisfaction that a majority in number of the members of the union, by secret ballot taken as prescribed, require such cancellation:

(2) *Provided*, That such power of cancellation shall not be exercised while any award or any industrial agreement relating to members of any such union, whether made under the repealed acts or this act, is in force.

THE COURT MAY CANCEL REGISTRATION.

SEC. 10. The court may, if satisfied that an industrial union is instigating to or aiding any other union or any of its members in a lockout or strike for which such other union or any of its members are liable to a penalty under this act, in its discretion cancel such registration and cancel any award or industrial agreement relating to such industrial union or the members thereof with the consent of all other parties bound by such award or industrial agreement.

INDUSTRIAL AGREEMENT.

POWER TO MAKE INDUSTRIAL AGREEMENTS.

SEC. 11. Any industrial union of employees may make an agreement in writing with an employer or any other industrial union relating to any industrial matter.

Any such agreement if made for a term specified therein not exceeding five years from the making thereof, and if filed at the office of the registrar, shall be an industrial agreement within the meaning of this act, and shall be binding on the parties, and on all persons for the time being members of such unions, but may be rescinded or varied in writing by the parties. Any variation of any such agreement, if filed as aforesaid, shall be binding as part of the agreement.

Any such industrial agreement may be enforced under this act.

INDUSTRIAL AGREEMENTS FILED IN OFFICE OF REGISTRAR.

SEC. 12. If after the commencement of this act any trade-union of employees, not being an industrial union, enters into and executes in the manner prescribed by the rules of such union any agreement relating to any industrial matters with an employer or an industrial union of employers, either party to such agreement may file the same in the office of the registrar. Any such agreement, if made for a term specified therein not exceeding five years from the making thereof, shall, in so far as it relates to industrial matters, be binding on the parties, and on all persons for the time being members of such unions, and shall be enforceable in the same manner as an industrial agreement made under this act. Such agreements may be rescinded or varied by the parties, and any such variation if filed as aforesaid shall be binding as part of the agreement.

PART II.—THE INDUSTRIAL COURT AND THE BOARDS.

CONSTITUTION OF THE COURT.

SEC. 13. (1) There is hereby constituted a court to be called the court of industrial arbitration. It shall be a superior court and a court of record and shall have a seal which shall be judicially noticed.

The court shall have the jurisdiction and powers conferred on it by this act, and also the jurisdiction and powers conferred in the industrial court by the clerical workers act, 1910. Subject to the said act, with regard to jurisdiction the provisions of this act shall apply so far as they are applicable for the purpose of making and enforcing awards under the said act.

THE JUDGE OF THE COURT.

(2) The industrial court established by the repealed acts is dissolved, and the present judge of that court shall be the judge of the court of industrial arbitration, and shall hold such office subject to the provisions of subsections 6 and 7 of this section.

Whenever the office of the judge becomes vacant the governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be the judge.

ADDITIONAL JUDGE.

(3) The governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be judge to act as an additional judge of the court. Such additional judge shall have the same rights, powers, jurisdiction, and privileges as the judge of the court.

DEPUTY JUDGE.

(4) The governor may appoint a supreme court judge or a district court judge, or a barrister at law of five years' standing, to be deputy judge to act temporarily in the absence of the judge of the court. Such deputy judge shall, while exercising the jurisdiction conferred on him, have the same salary and all the rights, powers, jurisdiction, and privileges of the judge of the court.

JUDGE TO CONSTITUTE THE COURT.

(5) The court shall be constituted by the judge or additional or deputy judge of the court sitting alone, or, in the cases hereinafter in this act provided, with assessors. Should both judge and additional judge be sitting at the same time, each shall constitute the court under this act.

TENURE OF OFFICE OF JUDGE.

(6) The present or any future or additional judge of the court shall be liable to be removed from office in the same manner and upon such grounds only as a supreme court judge is by law liable to be removed from office.

SALARY.

(7) Where a supreme court judge holds the office of judge of the court his annual salary as supreme court judge shall continue. Where a district court judge holds such office his annual salary shall be £1,000 (\$4,866.50) in addition to his salary as district court judge. Where a barrister at law is appointed to such office his annual salary shall be the same as that prescribed for a district court judge holding such office.

POWERS OF THE COURT.

SEC. 14. The court, in addition to the jurisdiction and powers conferred on it by this act, shall have the powers and may exercise the jurisdiction hereby conferred on industrial boards and on the chairmen thereof and on the chairmen of conciliation committees, and on the industrial registrar and an industrial magistrate.

CONSTITUTION OF THE BOARDS.

DISSOLUTION OF BOARDS UNDER REPEALED ACTS.

SEC. 15. All the boards appointed under the repealed acts are at the commencement of this act dissolved, except where at such commencement any part-heard matter is before any such board, in which case such board may continue to act and deal with and determine such matter in the same manner as if this act had not passed. On such matter being determined, the board shall be dissolved on proclamation to that effect made by the governor in the Gazette.

BOARDS FOR INDUSTRIES IN SCHEDULE I.

SEC. 16. (1) Industrial boards shall, on the recommendation of the court, be constituted by the minister under the board designations mentioned in the first column of Schedule I, and under such further or other board designations as the governor may from time to time proclaim, for any one or more of the industries or callings mentioned in the second column of such schedule, and from time to time added to such second column by the governor on resolution passed by both houses of Parliament, and for any such transposition, division, combination, rearrangement, or regrouping of such industries or callings as the minister, on the recommendation of the court, may direct.

APPOINTMENT OF CHAIRMAN.

(2) The minister shall appoint a chairman who shall be recommended by the court for all the boards which may be constituted under each of the board designations mentioned in the first column of Schedule I. Such chairman shall provide over and be a member of all such boards.

APPOINTMENT OF OTHER MEMBERS.

(3) The minister shall appoint the other members of such boards who shall be recommended by the court.

BOARD CONSTITUTED.

(4) On the chairman and members being appointed a board shall be deemed to be constituted.

MEMBERS.

(5) Each such board shall, besides its chairman, consist of two or four other members, as may be recommended by the court. One-half in number of such other members shall be employers, and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings

so specified: *Provided*, That where the employers or the employees in the industries or callings consist largely of females, members may be appointed who are not engaged in the industries or callings: *Provided also*, That where, in the opinion of the court, no suitable employer or no suitable employee in the industry can be found who is willing to act on the board on behalf of the employers or employees, as the case may be, such court may recommend any person whom it considers to be acquainted with the working of the industry to represent the employers or employees on the board, and the minister shall appoint such person.

DEMARCATON OF CALLINGS.

(6) Where it appears to the court that a question has arisen as to the right of employees in specified callings to do certain work in an industry to the exclusion of the employees in other callings, the court may, on application made by any such employees, constitute a special board to determine such question.

Such board shall consist of a chairman and such number of other members as the court fixes, but so that—

(a) One-half in number of such other members shall be employers and the other half employees, each of whom has been or is actually and bona fide engaged in one of the said callings:

(b) Such of the callings as the court considers to be directly interested in the question shall be represented on the board by an employer or employers, and by an employee or an equal number of employees.

The chairman and other members of any such board shall be appointed by the court.

The determination shall have effect as an award of a board.

BOARDS FOR INDUSTRIES IN SCHEDULE II.

Sec. 17. (1) The minister shall, on the recommendation of the court, constitute industrial boards for the industries and callings mentioned in Schedule II as amended or added to in pursuance of this act.

APPOINTMENT.

(2) The minister shall—

(a) Appoint chairmen who shall preside at and be members of such boards:

(b) Appoint the other members of such boards. The persons so appointed shall be recommended by the court.

JURISDICTION.

(3) Each such board shall have jurisdiction as to matters relating to such of the said industries or callings or sections thereof as may be specified by the court in its recommendation to the minister.

MEMBERS.

(4) Each such board shall, besides the chairman, consist of two or four other members, as may be recommended by the court, one half in number of whom shall be employers and the other half employees, each of whom has been or is actually and bona fide engaged in one of the industries or callings so specified:

Provided, That where the employers or the employees in the industries or callings consist largely of females, members may be appointed who are not engaged in the industries or callings:

Provided also, That where, in the opinion of the court, no suitable employer or no suitable employee in the industry can be found who is willing to act on the board on behalf of the employers or employees, as the case may be, such court may appoint any person whom it considers to be acquainted with the working of the industry to represent the employers or employees on the board.

APPLICATION OF ACT TO SUCH BOARDS.

(5) The provisions of this act relating to boards shall apply to any board constituted under this section.

AMENDMENT OF SCHEDULE II.

(6) The governor may on resolution passed by both houses of Parliament amend Schedule II or add thereto other industries. Any such amendment or addition shall be published in the Gazette.

FAILURE OF MEMBERS TO ATTEND.

SEC. 18. If any member of a board, without reasonable excuse, neglects on two successive occasions to attend meetings of the board duly convened, or to vote when present at any such meeting on any question duly submitted to the board, he shall be liable to a penalty not exceeding £5 (\$24.33), and the governor may declare his office vacant, and thereupon such member shall cease to hold office.

OATH TO BE TAKEN BY MEMBERS.

SEC. 19. Each member of a board shall, upon his appointment, take an oath not to disclose any matter or evidence before the board or the court relating to trade secrets; the profits or losses or the receipts and outgoings of any employer; the books of an employer or witness produced before the board or the court; or the financial position of any employer or of any witness; and if he violates his oath, he shall be liable to a penalty not exceeding £500 (\$2,433.26), and, on conviction of such offense, he shall cease to hold office.

DISSOLUTION OF BOARD AND REMOVAL OF MEMBER.

SEC. 20. (1) The minister, on the recommendation of the court, may at any time dissolve a board; he may also on such recommendation remove any member of a board from his office on the ground that such member is of unsound mind, or in prison, or has abandoned his residence in this State, or is not properly discharging his duties as a member of such board.

PERIOD OF OFFICE.

(2) Subject to the above provision, the members of a board shall hold office until the expiration of three years from the date of their appointment, and then shall cease to hold office: *Provided*, That a member may resign his office.

NEW BOARD.

(3) A new board may be appointed under this act to take the place of a board that has been dissolved, or the members of which have resigned, or have ceased to hold office.

Members ceasing to hold office on a board shall be eligible for appointment to the new board.

The provisions of this act relating to the constitution and manner of appointment of boards shall apply to the appointment of such new board.

APPOINTMENT TO VACANCIES.

SEC. 21. (1) Where, from any cause, a member of a board ceases to hold office, the minister may appoint a duly qualified person, who shall be recommended by the court, to his office for the residue of the period for which such member was appointed.

(2) Where a person is appointed to any vacancy on a board, the board as newly constituted may, if no member of the board, objects, continue the hearing of and may determine any part-heard case.

APPOINTMENTS TO BE GAZETTED.

SEC. 22. Every appointment of a member of a board shall be published in the Gazette, and a copy of a Gazette containing a notice of such appointment purporting to have been published in pursuance of this act shall be conclusive evidence that the person named in such notice was legally appointed to the office named and had power and jurisdiction to act in such office, and such appointment shall not be challenged for any cause.

FEES.

SEC. 23. The members of a board shall be paid such fees as may be fixed by the governor.

PART III.—JURISDICTION OF BOARDS AND OF THE COURT.

POWER OF BOARD TO MAKE RECOMMENDATIONS.

SEC. 24. (1) A board, on any reference or application to it, may, with respect to the industries or callings for which it has been constituted, make an award—

(a) Fixing the lowest prices for work done by employees and the lowest rates of wages payable to employees, other than aged, infirm, or slow workers;

(b) Fixing the number of hours and the times to be worked in order to entitle employees to the wages so fixed;

(c) Fixing the lowest rates for overtime and holidays and other special work, including allowances as compensation for overtime, holidays, or other special work;

(d) Fixing the number or proportionate number of apprentices and improvers and the lowest prices and rates payable to them;

(e) Determining any industrial matter;

(f) Rescinding or varying any award made in respect of any of the industries or callings for which it has been constituted;

(g) Declaring that preference of employment shall be given to members of any industrial union of employees over other persons offering their labor at the same time, other things being equal: *Provided*, That where any declaration giving such preference of employment has been made in favor of an industrial union of employees, such declaration shall be canceled by the court of arbitration if at any time such union, or any substantial number of its members, takes part in a strike or instigates or aids any other persons in a strike; and if any lesser number takes part in a strike, or instigates or aids any other persons in a strike, such court may suspend such declaration for such period as to it may seem just.

CHARITABLE INSTITUTIONS.

(2) Where an institution carried on wholly or partly for charitable purposes provides for the food, clothing, lodging, or maintenance of any of its employees or any of its inmates who are deemed to be employees, the board in its award as to the wages of such employees or inmates, shall make due allowance therefor. The board may exempt such institution from all or any terms of the award where the food, clothing, lodging, and maintenance provided by the institution, together with the money, if any, paid by the institution to such employees or inmates as wages, are at least equal in value of the labor of such employees or inmates.

AWARD OF BOARD.

SEC. 25. (1) The award of a board shall be signed by the chairman and forwarded to the registrar, who shall forthwith publish the same in the Gazette and notify the parties. On such publication every award shall take effect and be binding on all persons engaged in the industries or callings and within the locality and for the period not exceeding three years specified therein.

APPLICATIONS TO COURT TO VARY RECOMMENDATIONS.

(2) Within 30 days of such publication any of the parties to the proceedings before the board, with the consent of the court, and any other person, with the like consent, may in manner prescribed make application to the court for variation or amendment of such award, or for rehearing in respect to any matter in or omission from the award.

(3) If the board refuses to make any award, any of the said parties may, within 14 days after such refusal, make application to the court to make an award as to any matter included in a claim or reference made to the board.

DETERMINATION BY COURT.

(4) On any such application the court may confirm, or vary, or rescind the award thus appealed from, or make a new award, and may make such order as to the costs of the appeal as it thinks just.

At such hearing the members of the board other than the chairman shall, if any person making the application so desires, sit with the court as assessors.

(5) The pendency of an appeal shall not suspend the operation of an award appealed from.

WAGES OF GOVERNMENT EMPLOYEES.

SEC. 26. Employees employed by the Government of New South Wales or by any of its departments, including the chief commissioner for railways and tramways, the Sydney Harbor Trust, the metropolitan board of water supply and sewerage, and the Hunter district board of water supply and sewerage, shall be paid rates and prices not less than those paid to other employees not employed by the Government or its departments doing the same class of work under similar circumstances. But the fact that employment is permanent, or that additional privileges are allowed in the service of the Government or its departments, shall not of itself be regarded as a circumstance of dissimilarity. The court or an industrial board shall not fix rates and prices for such first-mentioned employees lower than those fixed for such other employees.

PERMITS FOR AGED, INFIRM, OR SLOW WORKERS.

SEC. 27. (1) Any aged, infirm, or slow worker who may deem himself unable to earn the minimum wage prescribed by any award, may apply to the registrar for a permit in writing to work for less than the wage so prescribed.

(2) The registrar shall be the tribunal to determine whether and on what conditions such permit shall be granted, and shall have power to revoke or cancel any permit.

(3) The registrar shall forthwith notify the secretary of the industrial union of the trade or calling in which such applicant desires to be employed, of the grant of such permit and of the conditions contained therein.

(4) The said union may at any time after such notice apply to the registrar in the manner prescribed for the cancellation of such permit.

(5) An appeal against any such determination shall not lie from the registrar to the court except on the ground that the trade or calling concerned is one in which no such permit should be granted.

VARIATION OF AWARD.

SEC. 28. Unless otherwise expressly provided in this act, an award, whether made under this act or the repealed acts, may be rescinded, added to, or varied only on application or reference to a board in pursuance of this act.

But the court may, at any time, on its own initiative or on application made to it, prohibit any proceeding of a board or vary or rescind any award made under this act or the repealed acts.

AWARD TO BE BINDING.

SEC. 29. Subject to the right of appeal under this act, and to such conditions and exemptions as the board may, and is, hereby authorized to determine and direct, an award shall be binding on all persons engaged in the industries or callings and within the locality, and for the period not greater than three years specified therein.

INTERVENTION BY CROWN.

SEC. 30. The Crown may, where, in the opinion of the minister, the public interests are or would be likely to be affected, intervene in any proceedings under this part before a board or the court, or appeal from an award of a board and make such representations as it thinks necessary in order to safeguard the public interest.

PART IV—PROCEDURE OF BOARDS.

COMMENCEMENT OF PROCEEDINGS.

SEC. 31. (1) Proceedings before a board shall be commenced by—

(a) Reference to the board by the court or the minister; or

(b) Application to the board by employers or employees in the industries or callings for which the board has been constituted.

(2) Any such application shall be in the form, and shall contain the particulars prescribed, and shall be signed by—

(a) An employer or employers of not less than 20 employees in any such industry or calling; or

(b) An Industrial union whose members are employers or whose members are employees in any such industry or calling.

CONVENING OF MEETINGS.

(3) All meetings of a board shall be convened by the chairman by notice to each member served as prescribed.

INQUIRY BY BOARD.

SEC. 32. In every case where an application or reference to a board is made, it shall be the duty of the chairman to endeavor to bring the parties to an agreement with respect to the matters referred to in such application or reference, and to this end the board shall, in such manner as it thinks fit, expeditiously and carefully inquire into such matters and anything affecting the merits thereof.

In the course of such inquiry the chairman may make all such suggestions and do all such things as he deems right and proper for inducing the parties to come to a fair and amicable settlement of such matters.

POWER OF ENTRY AND INSPECTION.

SEC. 33. A board, or any two or more members thereof authorized by the board under the hand of its chairman, may enter and inspect any premises used in any industry to which a reference or application to the board relates and any work being carried on there.

If any person hinders or obstructs a board or any member thereof in the exercise of the powers conferred by this section, or hinders or obstructs the judge in the exercise of like powers, he shall be liable to a penalty not exceeding £10 (\$48.87).

CONDUCT OF PROCEEDINGS OF BOARD AND ITS POWERS AS TO WITNESSES.

SEC. 34. A board may—

(a) Conduct its proceedings in public or private as it may think fit.

(b) Adjourn the proceedings to any time or place.

(c) Exercise in respect of witnesses and documents and persons summoned or giving evidence before it, or an affidavit, the same powers as are by section 136 of the parliamentary electorates and elections act, 1902, conferred on a committee of elections and qualifications, and the provisions of the said section shall apply in respect of the proceedings of the board: *Provided*, That unless a person raises the objection that the profits of an industry are not sufficient to enable him to pay the wages or grant the conditions claimed, no person shall be required without his consent to produce his books or to give evidence with regard to the trade secrets, profits, losses, receipts, and outgoings of his business or his financial position.

Where a person raises such objection he may be required, on the order of the chairman, to produce the books used in connection with the carrying on of the industry in respect of which the claim is made and to give evidence with regard to the profits, losses, receipts, and outgoings in connection with such industry, but he shall not be required to give evidence regarding any trade secret, or, saving as hereinbefore provided, his financial position. No such evidence shall be given without his consent except in the presence of the members of the board alone, and no person shall inspect such books except the chairman or an accountant appointed by the board, who may report to the board whether or not his examination of such books supports the evidence so given, but shall not otherwise disclose the contents of such books. Such accountant shall, before acting under this paragraph, take the oath prescribed in respect of members of a board by section 19 of this act.

(d) Admit and call for such evidence as in good conscience it thinks to be the best available, whether strictly legal evidence or not.

EVIDENCE TO BE ON OATH.

SEC. 35. (1) The chairman shall require any person, including a member of the board, to give his evidence on oath, and may on behalf of the board issue any summons requiring the attendance of witnesses; if any person so summoned does not attend, he shall be liable to a penalty not exceeding £50 (\$243.33).

ADMISSIBILITY OF EVIDENCE.

(2) Any question as to the admissibility of evidence shall be decided by the chairman alone, and his decision shall be final.

QUESTIONS OF JURISDICTION.

(3) Where during the hearing of any matter before a board its jurisdiction is disputed, the chairman may decide the question of jurisdiction, subject to appeal to the court, or may submit it to the court; in which case the court shall decide such question and remit its decision to the board.

PROCEEDINGS AT MEETINGS.

SEC. 36. At any meeting of a board, unless otherwise provided in this act—

- (a) The chairman shall preside.
- (b) Each member except the chairman shall have one vote; and where the votes for and against any matter are equal, the chairman shall decide the question, but shall not give such decision unless satisfied that the question can not otherwise be determined.
- (c) Any member of the board may call, examine, or cross-examine witnesses.

APPEARANCE OF PARTIES BY ADVOCATE OR AGENT.

SEC. 37. In any proceedings before the court or a board, no person, except with the consent of the court or the chairman, shall appear as an advocate or agent who is not or has not been actually and bona fide engaged in one of the industries or callings in respect of which such proceedings are taken.

PART V.—CONCILIATION COMMITTEES.

COMMITTEES FOR COLLIERY DISTRICTS.

NOTIFICATION OF DISTRICTS.

SEC. 38. The minister may, as prescribed, notify districts as follows: A northern colliery district; a southern colliery district; a western colliery district.

He may also notify, as he may think fit, any other district in which more than 500 employees work in or about coal or metalliferous mines, and may cancel or amend any notification made under this section.

CONCILIATION COMMITTEES.

SEC. 39. (1) The minister may, in the manner prescribed, constitute for each such district a conciliation committee consisting of two or four members, as the minister may determine, and to be appointed by him, one half in number of whom shall be nominated by the employers and the other half nominated by the employees, and a chairman.

The chairman shall be chosen by the unanimous agreement of the other members, but if no such agreement is arrived at, or if the chairman so chosen is unable or refuses to act, he shall be appointed by the governor: *Provided*, That the minister may, if he thinks fit, appoint the judge to be chairman of any such committee.

(2) No such committee shall be appointed unless the employees in the industry concerned are registered as an industrial union under this act.

(3) Such of the provisions of sections 19 to 23 as relate to members of boards shall, so far as applicable, and subject to the provisions of this section, apply to any member of a committee established under this section except the judge.

INQUIRY BY COMMITTEE.

SEC. 40. (1) Any such committee shall meet on being summoned by its chairman, as prescribed, or at the request of the minister, and shall inquire into any industrial matter in connection with coal mining or metalliferous mining, as the case may be, within its district.

(2) The chairman shall preside at all meetings of a committee, and shall endeavor to induce the other members to come to an agreement, but shall not take any part in the decisions of the committee.

AGREEMENT TO HAVE EFFECT AS INDUSTRIAL AGREEMENT.

SEC. 41. If such agreement is come to, it shall be reduced to writing and signed by the other members on behalf of the employers and the industrial unions concerned. Such agreement, on being certified by the chairman as prescribed, shall be filed and shall have effect as an industrial agreement between such employers and unions.

CONSTITUTION OF CONCILIATION COMMITTEE.

SEC. 42. The minister may also, as prescribed, constitute a conciliation committee for any occupation or calling in which more than 500 persons are employed other than coal or metalliferous mining. Such committee shall be appointed in the manner and shall have the powers mentioned in sections 39, 40, and 41 of this act.

SPECIAL COMMISSIONER.

SEC. 43. (1) There shall be a special commissioner, who shall be appointed in that behalf by the minister.

CONFERENCE.

(2) Such commissioner may require the attendance of any persons to meet the conference whenever any question has arisen that in his opinion might lead to a lockout or strike, and either no board has been constituted which would have jurisdiction in the matter or he is of opinion that a preliminary or temporary agreement should be made before the matter is submitted to a board. At such conference the commissioner shall preside and endeavor to induce the parties to come to an agreement.

PENALTY.

(3) If any person so required does not attend in conference as aforesaid he shall be liable to a penalty not exceeding £50 (\$243.33).

PART VI.—LOCKOUTS AND STRIKES.

LOCKOUTS.

PENALTY FOR LOCKOUT.

SEC. 44. If any person, including an industrial union of employers, does any act or thing in the nature of a lockout, or takes part in a lockout, or instigates to or aids in any of the above-mentioned acts, the court may order him to pay a penalty not exceeding £1,000 (\$4,866.50).

STRIKES.

PENALTY FOR STRIKE BY ANY PERSON.

SEC. 45. (1) If any person does any act or thing in the nature of a strike, or takes part in a strike, or instigates to or aids in any of the above-mentioned acts, the court may order him to pay a penalty not exceeding £50 (\$243.33).

AMOUNT OF PENALTY TO BE A CHARGE ON WAGES.

(2) Where a person is under this section ordered to pay a penalty, the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or future employer, including the Crown, for wages or in respect of work done.

Such order may be for the payment of such penalty in one sum or by such installments as the court may direct.

On the making of any such order of attachment the employer on being notified thereof, shall, from time to time, pay such moneys into the court as they become due and payable in satisfaction of the charge imposed by the order.

No charge upon or assignment of his wages, or of moneys in respect of work done or to be done, whenever or however made by any such person shall have any force whatever to defeat or affect an attachment; and an order of attachment may be made and shall have effect as if no such charge or assignment existed.

UNION TO CONTRIBUTE TO PAYMENTS OF PENALTY.

SEC. 46. (1) Where any person is under the last preceding section ordered to pay a penalty, and it appears that he was, at the time of his doing the acts complained of, a member of a trade or industrial union, the court may, in addition to making the charge provided for in the said section, order such union, or the trustees thereof, to pay out of the funds of the union any amount not exceeding £20 (\$97.83) of the penalty.

UNION TO BE HEARD.

(2) The court shall, before making such order, hear the said trustees or the said union, and shall not make such order if it is proved that the union has by means that are reasonable under the circumstances bona fide endeavored to prevent its members from doing any act or thing in the nature of a lockout or strike, or from taking part in a lockout or strike, or from instigating to or aiding in a lockout or strike.

PENALTY AGAINST UNION.

SEC. 47. If any industrial union or trade-union of employees instigates to or aids in any act for which any person is liable to be ordered to pay a penalty under section 45, the court may order such industrial or trade-union to pay a penalty not exceeding £1,000 (\$4,866.50), and may in its discretion suspend the operation of or cancel the registration under this act of any such industrial union, and may, with the consent of the other parties bound by such award or industrial agreement, cancel any award whether made under the repealed acts or this act so far as it relates to the members of such industrial or trade union, or may do both those things.

INJUNCTION.

INJUNCTION TO PROHIBIT A LOCKOUT OR STRIKE.

SEC. 48. The court may grant a writ of injunction to restrain any person from continuing to instigate to or aid in a lockout or strike. Such writ may, upon application made as prescribed, be granted *ex parte* or on notice.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanor and shall be liable to imprisonment for any period not exceeding six months.

Such person may be committed for trial for such offense by any justice or justices acting under and in pursuance of the justices act, 1902, and any acts amending the same, or by the court.

For the purpose of such committal the court shall have the powers of a justice or justices under the said acts.

PART VII. BREACHES OF AWARDS AND OTHER OFFENSES.

PAYMENT OF WAGES AWARDED.

RECOVERY OF WAGES.

SEC. 49. (1) Where an employer employs any person to do any work for which the price or rate has been fixed by an award, or by an industrial agreement, whether made under the repealed acts or this act, he shall be liable to pay in full in money to such person and without any deduction the price or rate so fixed.

ORDER FOR PAYMENT.

(2) Such person may, within six months after such money has become due, apply in the manner prescribed to the registrar or to an industrial magistrate for an order directing the employer to pay the full amount of any balance due in respect of such price or rate. Such order may be so made notwithstanding any smaller payment or any express or implied agreement to the contrary. The registrar or magistrate may make any order he thinks just, and may award costs to either party and assess the amount of such costs.

ALTERNATIVE POWER TO SUE.

(3) Such person may, within the said period of six months, in lieu of applying for an order under the last preceding subsection, sue for any balance due as aforesaid in any district court or court of petty sessions: *Provided*, That any person feeling himself aggrieved by a judgment or order of such court given or made under this subsection may appeal therefrom to the court of industrial arbitration as prescribed.

RECOVERY OF BALANCE DUE.

(4) Such person may take any such proceedings, and may recover any such balance due, and costs, notwithstanding that he may not be of full age either at the time of doing such work or at the time of taking such proceedings.

BREACH OF AWARD OF INDUSTRIAL AGREEMENT.

PENALTY FOR BREACH OF AWARD.

SEC. 50. (1) If any person commits a breach of an award or a breach of an industrial agreement, whether by contravening or failing to observe the same, or otherwise, the registrar or an industrial magistrate may order him to pay a penalty not exceeding £50 (\$243.33).

ORDER FOR PAYMENT OF WAGES.

(2) Where on making such order it appears that the breach complained of relates to the failure of the defendant to pay in full any wages (including wages for overtime) due to the complainant at the price or rate fixed by the award or agreement, the registrar or magistrate may also make such an order with respect to such wages as might have been made in proceedings taken under section 49. Such order may be made without motion, and shall be a bar to proceedings under the said section in respect of such wages.

INJUNCTION WHERE BREACH IS WILLFUL.

(3) Where an order is made under subsection 1 of this section against any person, and the registrar or magistrate is of opinion that the breach was committed by the willful act or default of such person, he may on motion or without motion, and in addition to any order made, grant a writ of injunction to restrain such person from committing further or other breaches of the award or industrial agreement.

If any person disobeys such writ of injunction he shall be guilty of a misdemeanor and shall be liable to imprisonment for any period not exceeding six months.

Such person may be committed for trial for such offense by any justice or justices acting under and in pursuance of the justices act, 1902, and any acts amending the same, or by the court. For the purposes of such committal the court shall have the powers of a justice or justices under the said acts.

WHO MAY TAKE PROCEEDINGS FOR PENALTY.

(4) Proceedings for a breach of an award or an industrial agreement may be taken and prosecuted by the minister or an employer, or the secretary of an industrial union concerned in the industry covered by such award or industrial agreement.

The costs of any such proceedings shall be paid by the complainant if the order is not made, and by the defendant if the order is made. Such costs shall be according to a scale to be fixed by the court.

SECRETARY OF UNION RECEIVING MONEY FOR BREACH OF AWARD.

SEC. 51. If the secretary of an industrial union of employees or any person acting or purporting to act on behalf of any such industrial union receives any money paid in respect of any act constituting a breach of an award or industrial agreement otherwise than in pursuance of the order or with the previous approval of the registrar or an industrial magistrate, he shall be liable to a penalty not exceeding £20 (\$97.33).

UNLAWFUL DISMISSAL.

PENALTY FOR UNLAWFUL DISMISSAL.

SEC. 52. If an employer dismisses from his employment any employee by reason of the fact that the employee is a member of a board or of a trade-union, or an industrial union, or has absented himself from work through being engaged in other duties as member of a board, or is entitled to the benefit of an award or of an industrial agreement, the court may order such employer to pay a penalty not exceeding £20 (\$97.33) for each employee so dismissed.

In every case it shall lie on the employer to satisfy the court that such employee was dismissed from his employment for some substantial reason other than that above mentioned in this section.

No prosecution for an offense under this section shall be commenced except by leave of the court.

PART VIII.—GENERAL AND SUPPLEMENTAL.

FINES AND SUBSCRIPTIONS PAYABLE TO UNIONS.

SEC. 53. The registrar or an industrial magistrate may order the payment by any member of an industrial union of any fine, levy, penalty, or subscription payable in pursuance of the rules of the union.

ENFORCEMENT OF CERTAIN ORDERS.

SEC. 54. (1) Where an order is made under sections 44, 46, 47, 49, 50, 52, or 53, that any person or union shall pay the amount of any money due or any penalty, such order shall have the effect of a judgment for the amount of such money or of such penalty in the district court or court of petty sessions named in such order, or if no such court is so named, in the metropolitan district court at the suit of the Crown or person or union, respectively, against the person or union against whom such order has been made; and such amount may be recovered and such recovery may be enforced by process of such court as in pursuance of such judgment.

PROPERTY OF A UNION.

(2) Any property of a union, whether in the hands of trustees or not, shall be available to answer any order made as aforesaid.

APPEAL TO COURT.

APPEAL FROM REGISTRAR OR MAGISTRATE.

Sec. 55. (1) From any order of the registrar, or any industrial or other magistrate or justices under this act, imposing a penalty or ordering the payment of any sum of money or any penalty, an appeal shall lie to the court.

On any such appeal the court may either affirm the order appealed from or reverse the said order or reduce the amount so ordered to be paid or the amount of the penalty; and, in any case, the court may make such order as to the costs of the appeal, and of the proceedings before the registrar, magistrate, or justices, as it thinks best.

CASE MAY BE STATED.

(2) The registrar, or any industrial or other magistrate or justices, may on the application made by any party to any proceedings for the payment of money or a penalty under this act state a case for the opinion of the court, setting forth the facts and the grounds for any order or conviction made by him or them.

APPLICATION OF PROVISIONS OF JUSTICES ACT.

(3) The provisions of the justices act, 1902, and any act amending the same which relate to appeals to a court of quarter sessions and to the stating of cases by justices for the opinion of the supreme court, and the decision of any such court thereon, and the carrying out of such decision shall, mutatis mutandis, and subject to any regulations made by the court under this act, apply to and in relation to appeals to and cases stated for the opinion of the court under this subsection.

NO OTHER APPEALS ALLOWED.

(4) No other proceedings in the nature of an appeal from any such order or by prohibition shall be allowed.

PROCEDURE AND DECISIONS OF COURT AND BOARDS.

RULES TO GOVERN THE COURT AND BOARDS.

Sec. 56. The court or a board exercising the jurisdiction conferred by this act shall be governed in its procedure and in its decisions by equity and good conscience, and shall not be bound to observe the rules of law governing the admissibility of evidence.

ADJOURNMENTS OF COURT.

Sec. 57. Where the judge is unable to attend at the time and on the day appointed for the hearing of any matter by the court, the registrar or, in his absence from the court, the chief clerk, shall adjourn the court and also adjourn the hearing of any cases set down for that day to such day as he may deem convenient.

DECISION OF COURT TO BE FINAL.

Sec. 58. (1) Any decision of the court shall be final; and no award, and no order or proceeding of the court shall be vitiated by reason only of any informality or want of form or be liable to be challenged, appealed against, reviewed, quashed, or called in question by any court of judicature on any account whatsoever.

(2) No writ of prohibition or certiorari shall lie in respect of any award, order, proceeding, or direction of the court relating to any industrial matter or any other matter which on the face of the proceedings appears to be or to relate to an industrial matter.

(3) The validity of any proceeding or decision of the board or of a chairman of a board shall not be challenged except as provided by this act.

RAILWAY STRIKES AND LOCKOUTS.

COURT RESERVING ITS DECISION.

SEC. 59. In any proceeding before the court it may reserve its decision.

Where a decision has been so reserved it may be given at any continuation or adjournment of the court, or at any subsequent holding thereof, or the judge may draw up such decision in writing and, having duly signed the same, forward it to the registrar. Whereupon the registrar shall notify the parties of his intention to proceed at some convenient time and place by him specified to read the same, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if given by the court.

EVIDENCE OF AWARD AND ITS VALIDITY.

COPY OF GAZETTE TO BE EVIDENCE.

SEC. 60. Evidence of any award, order, proclamation, notification, rule, or regulation made under the authority of this act or any of the repealed acts may be given by the production of any document purporting to be a copy thereof and purporting to be printed by the government printer or by the authority of the minister.

PENALTIES AND COSTS.

RECOVERY OF PENALTIES.

SEC. 61. Any penalty imposed by or under this act or the regulations may, except where otherwise provided, be recovered upon summary conviction before a stipendiary, police, or industrial magistrate, or any two justices in petty sessions.

PENALTIES TO BE PAID TO CONSOLIDATED REVENUE.

SEC. 62. The amount of any penalty recovered under this act shall be paid into the treasury and carried to the consolidated revenue fund.

ORDERS FOR COSTS.

SEC. 63. (1) Except where otherwise in this act provided, the court or the registrar or any industrial or other magistrate or justices may in any proceedings for a penalty or prosecution under this act, and in any proceedings under section 53 or for a writ of injunction, make such order as to the payment of costs as may be thought just and may assess the amount of such costs.

ENFORCEMENT OF ORDER.

(2) Every order for the payment of costs made by the court or the registrar or the industrial magistrate shall have the effect of and be deemed to be a judgment for such amount in the district court or court of petty sessions named in the order, or if no such court is so named, then in the metropolitan district court, at the suit of the person in whose favor such order is made, against the person so ordered to pay costs.

Such amount may be recovered, and such recovery may be enforced by process of such court as in pursuance of such judgment.

PENALTY FOR WILLFULLY FALSE STATEMENT.

SEC. 64. Whosoever, before a board or the court, willfully makes on oath any false statement knowing the same to be false shall be guilty of perjury.

THE REGISTRAR, INDUSTRIAL MAGISTRATE, AND INSPECTORS.

APPOINTMENT OF REGISTRAR.

SEC. 65. (1) The governor may, subject to the public service act, 1902, appoint an industrial registrar, who shall have the prescribed powers and duties.

DEPUTY REGISTRAR.

(2) The governor may appoint any person to act as a deputy for the registrar appointed under this act for a time not exceeding in any case 30 days while such registrar is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power, and perform the same duties as if he were the registrar.

HIS POWERS AND DUTIES.

(3) The judge may direct the registrar to inquire into any matter as to which he requires information for the purpose of the exercise of the jurisdiction of the court in any matter not being proceedings for a penalty under this act, and the registrar shall inquire accordingly, and report to the court.

For the purpose of such inquiry and for the purpose of any matter which by this act or the regulations is referred to him, the registrar may summon any persons, administer oaths and take affidavits, and examine parties and witnesses.

Every person summoned by the registrar shall be bound to attend upon such summons, and shall for disobedience thereto be liable to a penalty not exceeding £50 (\$243.33).

POWERS OF REGISTRAR.

(4) For the purpose of hearing and determining any proceedings for a penalty or for the recovery of money under this act, the registrar shall have the powers of two justices of the peace within any police district.

APPOINTMENT AND POWERS OF INDUSTRIAL MAGISTRATES.

SEC. 66. (1) The governor may appoint industrial magistrates, who shall have the qualifications of a police magistrate, and who shall throughout the State have the jurisdiction and powers conferred by this act on an industrial magistrate, and in the exercise of such jurisdiction may do alone whatever might be done by two or more justices sitting in petty sessions.

DEPUTY FOR INDUSTRIAL MAGISTRATE.

(2) The governor may appoint any person duly qualified as aforesaid to act as a deputy for any industrial magistrate appointed under this act for a time not exceeding in any case 30 days while such magistrate is absent from his duties for any cause, and every such deputy shall while acting as such have the same jurisdiction and power and perform the same duties as if he were an industrial magistrate.

APPOINTMENT AND POWERS OF INSPECTORS.

SEC. 67. (1) The governor may, subject to the public-service act, 1902, appoint inspectors, who shall have the powers and duties prescribed.

Any such inspector may exercise the following powers and perform the following duties in respect of an industry as to which an award or an industrial agreement is in force:

(a) He may at any reasonable times inspect any premises of any employer upon which any such industry as aforesaid is carried on, and any work being done therein.

(b) He may at any reasonable times require the employer in such industry to produce for his examination, and may examine, any time sheets and pay sheets of the employees in such industry.

(c) He may at any reasonable times examine any employee in such industry as to the prices for piecework and the rate of wages paid to him, and as to his hours of work as such employee.

(d) He may, on obtaining the authority of the minister, institute proceedings for a penalty under section 53.

An inspector shall report to the minister all breaches of this act, or of an award or industrial agreement, which have come to his knowledge.

(2) No inspector shall have any authority under this act to enter a private dwelling house, or the land used in connection therewith, unless some manufacture or trade in which labor is employed is carried on therein.

OBSTRUCTING INSPECTOR.

(3) If any person obstructs any inspector in the exercise of his powers under this act or fails when duly required as aforesaid to produce any time sheets or pay sheets, he shall be liable to a penalty not exceeding £10 (\$48.67).

MISCELLANEOUS.

TIME SHEETS AND PAY SHEETS TO BE KEPT.

SEC. 68. (1) Every employer in an industry in respect of which an award or an industrial agreement is in force shall keep, or cause to be kept, from day to day and at the place where his employees in such industry are working, in the manner and to the effect prescribed, time sheets and pay sheets of such employees, correctly written up in ink.

If he fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding £10 (\$48.67).

EXHIBITION OF AWARD.

(2) A copy of any award, whether made under the repealed acts or this act, shall be exhibited and kept on exhibition by every employer carrying on an industry to which it relates, at the place where the industry is carried on, so as to be legible by his employees. If such employer fails to carry out the provisions of this subsection he shall be liable to a penalty not exceeding £10 (\$48.67).

(3) The penalty imposed by each of the preceding subsections may, in addition to being recoverable in terms of section 61 of this act, be ordered to be paid by the registrar or an industrial magistrate subject to the provisions of section 54 of this act.

NOTICE OF CHANGE AFFECTING EMPLOYMENT.

SEC. 69. Employers and employees shall give at least 21 days' notice of an intended change affecting conditions of employment with respect to wages or hours or the prices of piecework. During any proceedings before a board, neither the employers nor the employees in the industry the subject of such proceedings shall alter the conditions of employment with respect to wages or hours, or the prices for piecework, unless upon the recommendation of the board that they be at liberty to do so.

If any person fails to carry out any of the requirements of this section he shall be liable to a penalty not exceeding £50 (\$253.33).

PENALTY FOR CONTRACT OR COMBINATION IN RESTRAINT OF TRADE.

SEC. 70. Any person who, either as principal or as an agent, makes or enters into any contract or agreement, or is or continues to be a principal of or engages in any combination or conspiracy with intent to restrain the trade of the State in any necessary commodity to the detriment of the public, shall be liable to a penalty not exceeding £500 (\$2,433.25).

PENALTY FOR MONOPOLY.

SEC. 71. Any person who monopolizes or attempts to monopolize or combines or conspires with any person to monopolize any part of the trade of the State with intent to control, to the detriment of the public, the supply or price of any necessary commodity, shall be liable to a penalty not exceeding £500 (\$2,433.25).

REGULATIONS.

REGULATIONS MADE BY JUDGE.

SEC. 72. The judge may repeal any regulations made under the repealed acts and make regulations for carrying out the provisions of this act and the clerical workers act, 1910, and in particular, but without derogating from the generality of such powers—

(a) Prescribing the forms of references and applications to a board and generally the forms to be used in carrying out this act.

(b) Prescribing the form of oath to be taken by members of boards and committees.

(c) Regulating the exhibition by an employer of an award.

(d) Prescribing the form and mode of service of notices of meetings of a board and of a committee and regulating the convening of such meetings.

(e) Prescribing the giving of notice of inspection by a board or its members of premises used in any industry, and prescribing the form and regulating the service of such notice.

(f) Regulating the procedure at meetings of boards and committees.

(g) Providing for the payment of expenses of witnesses; and persons summoned by the registrar or summoned to attend a conference under the provisions of Part V.

(h) Regulating the procedure to be followed in proceedings before the court and before the registrar and an industrial magistrate, and in enforcing judgments, convictions, and orders given and made under this act.

(i) For the enforcement of orders for penalties and orders for attachments made under this act.

(j) Prescribing the powers and duties of the registrar and regulating the registration under this act of industrial unions.

(k) Imposing any penalty not exceeding £10 (\$48.67) for any breach of such regulations.

(l) As to matters which by this act may be prescribed.

PUBLICATION OF REGULATIONS.

SEC. 73. (1) Regulations made under this act, on being approved by the governor and published in the Gazette, shall, if not disallowed as hereinafter provided, and if not repugnant to this act, have the force of law.

(2) All such regulations on being gazetted shall be laid before both houses of Parliament within 14 days if Parliament is then sitting, and, if not sitting, then within 14 days after the next meeting of Parliament. But if either house of Parliament passes a resolution of which notice has been given at any time within 15 sittings days after such regulations have been laid before such house disallowing any regulation, such regulation shall thereupon cease to have effect.

Assented to April 15, 1912.

SOUTH AUSTRALIA.

[No. 1110.]

AN ACT To make better provision for dealing with industrial matters and disputes, and for purposes consequent on such provisions including certain amendments of "the factories acts, 1907 to 1910." (Assented to Dec. 19, 1912.)

PART I.

PRELIMINARY.

SECTION 1. This act may be cited as the Industrial arbitration act, 1912.

SEC. 3. In this act, unless inconsistent with context or some other meaning is clearly intended—

"Agriculture" (without limiting its ordinary meaning) includes horticulture, viticulture, and the use of land for any purpose of husbandry, including the keeping or breeding of live stock, poultry, or bees, and the growth of trees, plants, fruit, vegetables, and the like;

"Association" means any trade or other union, or branch of any union, or any association, society, or body composed of or representative of employers or employees, or for furthering or protecting the interests of employers or employees;

"Award" means award of the court made under this act;

"Employee" means any employee in any industry, and includes any person whose usual occupation is that of employee in any industry;

"Employer" means any person, firm, company, or corporation employing one or more employees in any industry, whether on behalf of himself or any other person;

"Industrial agreement" means an industrial agreement made pursuant to this act;

"Industrial dispute" means any dispute as to any industrial matter, and, without limiting the ordinary meaning of the foregoing definition, includes a threatened or impending or probable dispute as to any industrial matter; and an industrial dispute within the meaning of this act shall be deemed to have arisen in every case in which the court in its discretion so decides;

"Industrial matters" means matters or things affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees, or of persons who intend or propose to be employers or employees in any industry, not involving questions which are or may be the subject of proceedings for an indictable offense; and, without limiting the ordinary meaning of the foregoing definition, includes all or any matters relating to—

(a) The wages, allowances, or remuneration of any person employed or to be employed in any industry, or the piecework, contract, or other prices paid or to be paid therein in respect of that employment, including the wages, allowances, or remuneration to be paid for work done during overtime or on holidays, or for other special work, and also including the question whether piecework shall be allowed in any industry;

(b) The hours of employment in any industry, including the lengths of time to be worked to entitle employees therein to any given wages, allowances, remuneration, or prices, and what times shall be regarded as overtime;

(c) The sex, age, qualification, or status of employees, and the mode, terms, and conditions of employment, including the question whether persons of either sex shall be disqualified for employment in an industry;

(d) The number or proportionate number of apprentices and improvers that may be employed by an employer in any industry;

(e) The relationship of master and apprentice;

(f) The technical education or other training of apprentices;

(g) The employment of children or young persons, or of any person or class of persons in any industry;

(h) The right to dismiss or to refuse to employ or reinstate in employment any particular persons or class of persons in any industry;

(i) Any claim of members of an association of employers to preference of service from unemployed members of an association of employees;

(j) Any claim of members of an association of employees that members of such association shall be employed in preference to persons who are not members thereof;

(k) Any established or alleged established custom or usage of any industry, either general or in any particular locality;

(l) The interpretation of an award, or of an industrial agreement, or of a determination or order of a wages board, or of an agreement under section 48 of the factories act amendment act, 1910;

(m) All matters with which wages boards appointed under the factories acts have power to deal under any act now or hereafter in force;

(n) All matters prescribed;

(o) All questions of what is fair and right in relation to any industrial matter having regard to the interests of the persons immediately concerned and of society as a whole;

"Industry" means any business, trade, manufacture, undertaking, occupation, or calling, except agriculture, in which persons are employed for hire or reward, or in which they give their services for hire or reward, and includes any occupation or calling of any employee for hire or reward, whatever may be the business, trade, manufacture, undertaking, occupation, or calling of the employer, for the time being, of such employee, and also includes a branch of an industry and a group of industries, and any process, trade, business, occupation, or calling, or any group or part thereof, within the meaning of the factories acts;

"Justice" means justice of the peace for the State;

"Lockout" (without limiting the meaning of the term) means the act of an employer in closing his place of business, or suspending or discontinuing his business or any branch thereof, or a refusal or failure by an employer to continue to employ any number of his employees, with intent—

(a) To compel or induce any employees to agree to terms of employment, or comply with any demands made upon them by the said or any other employer; or

(b) To cause loss or inconvenience to his employees, or any of them; or

- (c) To incite, instigate, aid, or abet, or procure any other lockout; or
 (d) To assist any other employer to compel or induce any employees to agree to terms of employment or comply with any demands made by him;
 "Minister" means the minister of industry or the minister of the Crown for the time being discharging the duties of the office of minister of industry;
 "Prescribed" means prescribed by this act or by rules of court or regulations;
 "President" means president or acting president of the court;
 "Registrar" means the industrial registrar appointed under this act, and includes any deputy industrial registrar so appointed;
 "Regulations" means regulations made under this act;
 "Rules of court" means rules made by the president under this act;
 "Strike" (without limiting the meaning of the term) means the act of any number of employees, who are or have been in the employment either of the same employer or different employers, in discontinuing that employment, or any work or kind of work connected therewith, whether wholly or partially, or in breaking their contracts of service, or in refusing or failing after any such discontinuance to resume or return to their employment, or any work or kind of work connected therewith, the said discontinuance, breach, refusal, or failure being due to or in pursuance of any combination, agreement, or understanding, whether expressed or implied, made or entered into by the said employees with intent—
 (a) To compel or induce any such employer to agree to terms of employment, or comply with any demands made by the said or any other employees; or
 (b) To cause loss or inconvenience to any such employer in the conduct of his business; or
 (c) To incite, instigate, aid, abet, or procure any other strike; or
 (d) To assist employees in the employment of any other employer to compel or induce that employer to agree to terms of employment, or comply with any demands made by any employees;
 "The court" means the industrial court constituted by this act;
 "The factories acts" means the factories act, 1907, and any acts now or hereafter in force amending that act or substituted for that act or for any such amending act;
 "This act" includes rules of court and regulations made under this act;
 "The State" means the State of South Australia;
 "Wages board" or "board" means a wages board appointed or to be appointed under or pursuant to the factories acts.

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PART II.

THE INDUSTRIAL COURT.

Division I—The constitution of the court.

SEC. 8. (1) There is hereby constituted a court to be called the industrial court, which shall be a court of record and shall have a seal, which shall be judicially noticed.

(2) The governor shall appoint a judge of the supreme court, or a person who is eligible for appointment as a judge of the supreme court, to be president of the court.

(3) The governor may from time to time appoint the president to be a temporary judge of the supreme court, if and whenever, upon the certificate of the chief justice, it appears that judicial assistance in the supreme court is required. Whenever acting as such temporary judge the president shall have all the jurisdiction and powers of a judge of the supreme court.

(4) In case of the illness or absence of the president the governor may appoint a judge of the supreme court to act as president during such illness or absence, and whilst acting in that capacity such judge shall have all the jurisdiction and powers of the president in addition to his jurisdiction and powers as a judge of the supreme court.

(5) The president shall not be removed from office except in the same manner and upon such grounds as a judge of the supreme court is by law liable to be removed from office, but the president may resign at any time.

(6) The president or acting president shall constitute the court, and, except where otherwise provided by this act, all the powers and functions of the court may be exercised by the president or acting president sitting alone.

Division II—The jurisdiction of the court.

SEC. 9. The court shall have jurisdiction to deal with all industrial matters and industrial disputes pursuant to this act.

SEC. 10. The president shall have power as a mediator to deal with all industrial matters and industrial disputes in all cases in which it appears to him that his mediation is desirable in the public interest and the matter or dispute would, if submitted to the court, be within its jurisdiction.

SEC. 11. (1) The president may, whenever in his opinion it is desirable for the purpose of dealing with an industrial matter or preventing or settling an industrial dispute, summon any person to attend, at a time and place specified in the summons, at a conference presided over by himself.

(2) Any person may be so summoned, notwithstanding that he is not engaged in or connected with the matter or dispute, if the president thinks that such person's presence at the conference is likely to assist in dealing with or settling the matter or to conduce to the settlement or prevention of the dispute.

(3) Any person so summoned shall attend the conference and continue his attendance thereat as directed by the president, and in default shall be liable to a penalty not exceeding £500, to be recovered and enforced in the same way as penalties for offenses under Part IV.

(4) The conference may be held partly or wholly in public or in private, at the discretion of the president.

(5) Any person summoned under this section, who attends pursuant to the summons and continues his attendance as directed by the president, shall, unless he is or was engaged in or connected with the matter or dispute, be entitled to be paid by the Crown such (if any) amount as the president, having regard to the conduct of such person both before and at the conference, certifies to be a reasonable recompense for his expenses and loss of time.

SEC. 12. The president may review, annul, rescind, or vary any act or decision of the registrar in any manner which he thinks fit.

SEC. 13. The court shall have jurisdiction over all industrial matters and industrial disputes which are submitted to it—

(a) By the minister or the registrar as being proper, in the public interest, to be dealt with by the court; or

(b) By an employer or employers of not less than 20 employees in any industry; or

(c) By not less than 20 employees in any industry; or

(d) By a report to the court by a wages board or the minister under section 22 of the factories act amendment act, 1910;

and also over any industrial matter or industrial dispute as to which a conference has been held under section 11, and which, not having been finally and completely dealt with or settled at such conference, the president has referred to the court: *Provided*, That the court shall not (except under the said section 22 or by way of appeal under the factories acts) have jurisdiction of any industrial matter or industrial dispute concerning any industry for which, at the time, a wages board has been or is in course of being appointed, and as to which matter or dispute such board has or will have jurisdiction.

Division III—Procedure and powers of the court.

SEC. 14. (1) When the court sits for the purpose of finally adjudicating upon an industrial dispute, the president may, if he thinks fit, be assisted by two assessors appointed in the following manner:

I. Within such time as the president specifies, such of the parties to the dispute as, in the opinion of the president, have interests in common with the employers, shall nominate one of the assessors; and such of the parties to the dispute as, in the opinion of the president, have interests in common with the employees, shall nominate the other assessor; and the president shall appoint the nominees as the assessors.

II. No person shall be appointed an assessor unless he is, or within three years previous to his appointment has been, actually and bona fide engaged or employed either as an employer or as an employee in the industry or in any one of the industries in respect of which the dispute has arisen: *Provided*, That if

in any case by reason of the special circumstances of that case the president is of opinion that it is impracticable or inexpedient that one or both of the assessors should be so qualified he may appoint a person or persons not so qualified.

III. If default is made in nominating either or both of the assessors within the time so specified, or if the parties consent, the governor shall appoint one or both assessors, as may be necessary.

(2) A person shall not be disqualified for appointment as an assessor on the ground that he is a party to the dispute or is a member of an association which is a party to the dispute.

(3) If during the hearing of the dispute an assessor dies, or resigns his office, or is proved to the satisfaction of the president to be unable, by reason of sickness or any other cause, to act as assessor, the president shall, on the nomination within a time specified by him of the parties who nominated such assessor, appoint another person to be assessor in his place, or in default of nomination within such time, or by consent of the said parties, the governor shall appoint a person to be assessor.

(4) The powers and functions of the court shall not be affected by any vacancy in the office of an assessor; and during such vacancy the court may, so far as the president thinks fit, exercise all its powers and functions in the same manner as if such office were filled.

(5) Each assessor shall be paid a fee of £1 for every day on which he attends the hearing.

(6) The provisions of this section shall not apply when the president is acting in the exercise of any power, function, jurisdiction, or duty by this act conferred or imposed upon the president solely.

Sec. 15. (1) In the course of the hearing, inquiry, and investigation of an industrial matter or industrial dispute the court shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the matter or bringing about the settlement of the dispute by amicable agreement.

(2) If an agreement is arrived at, a memorandum of its terms shall be made in writing and certified by the president, and the memorandum, when so certified, shall be filed in the office of the registrar and, unless otherwise ordered and subject as may be directed by the court, shall have the same effect as and be deemed to be an award of the court.

Sec. 16. Any association represented before the court on the hearing of an industrial matter or industrial dispute shall be deemed a party to the matter or dispute.

Sec. 17. (1) The award of the court in any industrial matter or industrial dispute shall be framed in such a manner as to best express the decision of the court and to avoid unnecessary technicality and shall, subject to any variation ordered by the court, have effect within the locality or localities specified in the award and continue in force for a period to be specified in the award, not exceeding three years from the date thereof.

(2) After the expiration of the period so specified, the award shall, unless the court otherwise orders, continue in force until a new award has been made.

Sec. 18. The award shall be binding on—

(a) All parties to the industrial matter or industrial dispute who appear or are represented before the court;

(b) All parties who have been summoned to appear before the court as parties to the matter or dispute, whether they have appeared in answer to the summons or not, unless the court is of opinion that they were improperly summoned before it as parties;

(c) All associations and persons on whom the award is at any time declared by the court to be binding as a common rule; and

(d) All members of associations which are bound by the award.

Sec. 19. In any industrial matter or industrial dispute over which the court has jurisdiction the president may make any order which he thinks just as to—

(a) Any interlocutory proceeding to be taken before the hearing, the costs thereof, the issues to be submitted to the court, the persons and associations to be served with notice of proceedings, particulars of the claims of the parties, admissions, discovery, interrogatories, inspection of documents or of real or personal property, examination of witnesses, and the place, time, and mode of hearing; and

(b) Any matter which by rule of court the president is empowered to hear or deal with when sitting in chambers.

SEC. 20. The court may issue an order to any person to take evidence on its behalf in relation to any industrial matter or industrial dispute over which it has jurisdiction, and that person shall have all the powers of the court in relation to the summoning of witnesses, the production of books and documents, and the taking of evidence on oath or affirmation or declaration.

SEC. 21. The court shall, as regards every industrial matter and every industrial dispute over which it has jurisdiction, have power—

(a) At or before the hearing to take steps to ascertain whether all persons who ought, in its opinion, to be bound by its award or order have been summoned to attend the proceedings;

(b) To direct that persons not summoned to attend the proceedings shall be so summoned, if the court is of opinion, whether from the suggestion of parties or otherwise, that such persons should be so summoned;

(c) To hear and determine the dispute or matter in such manner in all respects as the court, in its discretion, thinks best suited for that purpose;

(d) To allow the amendment, on such terms as it thinks fit, of the application or any subsequent proceeding;

(e) To make any order or award, and, without being restricted to the specific relief claimed by the parties to the dispute or matter, to include in any order or award any matter or thing which the court thinks necessary or expedient for the purpose of preventing or settling the dispute or dealing with the matter:

Provided, That the court shall not have power to order or direct that, as between members of associations of employers or employees and other persons offering or desiring service or employment at the same time, preference shall in any circumstances or manner be given to members of such association or to persons who are not members thereof;

(f) To give any direction in pursuance of the hearing or determination;

(g) To declare, by award or order, that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever determined by an award in relation to any industrial matter shall be a common rule of any industry:

Provided, That the court, before declaring a common rule, shall pay due regard to the extent to which the industries or the persons affected enter or are likely to enter into competition with one another:

Provided also, That before any common rule is so declared the President shall by notification published in the Government Gazette and in such other publications (if any) as the court directs, specifying the industry and the industrial matter in relation to which it is proposed to declare a common rule, make known that all persons and associations interested and desirous of being heard may, on or before a day named, appear or be represented before the court; and the court shall hear all such persons and associations so appearing or represented;

(h) To direct with due regard to local circumstances within what limits of area (if any) and subject to what conditions and exceptions (if any), a common rule so declared shall be binding upon the persons engaged in the industry whether as employers or employees, and whether members of an association or not;

(i) To dismiss any dispute or matter or refrain from further hearing or from determining the dispute or matter if it appears that the dispute or matter is trivial, or that, in the public interest, further proceedings by the court are not necessary or desirable;

(j) To order any party to the dispute or matter to pay to any other party such costs and expenses, including expenses of witnesses, as are specified in the order;

(k) To proceed to hear and determine the dispute or matter in the absence of any party thereto or other person who has been summoned or served with notice to appear therein;

(l) To sit in any place for the hearing and determination of the dispute or matter;

(m) To adjourn its sittings to any time and place;

(n) To refer any technical matters or matters of account to an expert, and to accept his report as evidence;

(o) To vary its orders and awards and to reopen any question;

(p) To direct parties to be joined or struck out;

(q) To correct, amend, or waive any error, defect, or irregularity, whether in substance or in form;

(r) To extend any prescribed time;

- (s) To waive compliance with any rule of court; and
- (t) Generally to give all such directions and do all such things as it deems necessary or expedient in the premises.

SEC. 22. The court shall not have power to order or prescribe wages which do not secure to the employee affected a living wage. "Living wage" means a sum sufficient for the normal and reasonable needs of the average employee living in the locality where the work under consideration is done or is to be done.

SEC. 23. The court in making any order or award relating to apprenticeship shall make such provisions as the court thinks practicable with reference to the training of apprentices in technical schools or otherwise.

SEC. 24. With respect to evidence in proceedings before the court the following provisions shall apply:

(a) On the application of any of the parties, and on payment of the prescribed fee, or, by direction of the president, without any such application or fee, the registrar shall issue a summons to any party, or parties, or other person, or persons, to appear and give evidence before the court, and any number of witnesses' names may be inserted in one summons;

(b) The summons shall be in the prescribed form and may require any person therein named to produce before the court any books, papers, and other documents in his possession or under his control in any way relating to the dispute or matter;

(c) All books, papers, and other documents produced before the court, whether produced voluntarily or pursuant to summons, may be inspected by the court and also by such of the parties as the court allows; but the information obtained therefrom shall not be made public without the permission of the court: Provided, That books, papers, and documents relating to any trade secret or the profits or financial position of any witness or party shall not, without his consent, be inspected by any person except the president; and that any parts of the books, papers, and documents which in the opinion of the president do not relate to any matter in issue may be sealed up;

(d) Every person who is summoned and duly attends as a witness shall be entitled to the prescribed allowance for his attendance and expenses: *Provided*, That, until otherwise prescribed or except as otherwise prescribed, the allowance shall be according to the scale for the time being in force with respect to witnesses in civil actions in the supreme court;

(e) The court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not;

(f) Any party to the proceedings shall be competent and may be compelled to give evidence as a witness;

(g) The court may, if it thinks fit, dispense with evidence on any matter on which all parties have agreed in writing as an industrial agreement, or on any matter as to which the court deems evidence to be unnecessary;

(h) The court may take evidence on oath, or affirmation, or declaration.

SEC. 25. The court may exercise any of its powers on its own motion or on the application of any party to the industrial matter or industrial dispute, or of any association or person bound by the award of the court; but no order or award shall be varied and no submission shall be reopened except on the application of an association or person affected or aggrieved by the order or award, or claiming to be so affected or aggrieved.

Division IV—Appeals to the court.

SEC. 26. With respect to—

(a) Any appeal under the factories acts to the court against a determination of a wages board;

(b) Any reference under the factories acts by the minister of industry of a determination of a wages board; or

(c) Any application under the factories acts to the court to quash a determination of a wages board, the court may take fresh evidence and shall have the same powers and discretions, and may make any award, order, or decision which the court would have, or might make, in case of an industrial matter or industrial dispute submitted to the court under section 13 of this act, and all the provisions of this act, *mutatis mutandis*, shall apply to any such appeal, reference, or application, and to any award, order, or decision made therein.

SEC. 27. Notwithstanding anything in this act, or in the factories act, 1907, as amended by this act, the court may, on application for further time, allow any such appeal, reference, or application as mentioned in section 26 of this act to be commenced or made within such (if any) further time as the court deems proper.

PART III.

INDUSTRIAL AGREEMENTS.

SEC. 28. Any association may make an industrial agreement under this act with any other association, or with any person, as to any industrial matter, or in relation thereto.

SEC. 29. (1) Every industrial agreement shall be in writing, and shall be for a term to be specified therein, not exceeding three years from the date of the making thereof, and shall be in a form commencing as follows: "This industrial agreement, made in pursuance of the industrial arbitration act, 1912, this — day of —, between —"; and then the matter agreed upon shall be set out.

(2) The date of the making of the agreement shall be the date on which it is executed by the party who first executes it; and such date, and the names of all the original parties thereto, shall be truly stated therein.

SEC. 30. (1) A duplicate of every industrial agreement shall be filed in the office of the registrar, and in the office of every association party thereto, within 30 days of the making thereof, and shall be open to inspection as prescribed by rules of court.

(2) The registrar, if required by any person interested in any agreement so filed, shall investigate the matter in such manner as he thinks fit and, if satisfied that such agreement has been duly made and executed pursuant to this act by or on behalf of the parties thereto, shall give a certificate to that effect, which certificate shall be conclusive evidence that the fact is as stated therein.

SEC. 31. At any time whilst an industrial agreement is in force any association or employer may become party thereto by filing in the office of the registrar a notice in the form prescribed by rules of court, signifying concurrence with such agreement, and thereafter such association or employer shall be deemed to be a party thereto; and in the case of an association so becoming a party to an industrial agreement a copy of such agreement shall be filed in the office of such association within 30 days of its becoming a party thereto.

SEC. 32. Every industrial agreement shall, during its continuance, be binding on—

(a) All parties thereto; and

(b) All members at any time during such continuance of any association which is a party thereto.

SEC. 33. (1) Any association or person bound by an industrial agreement shall, for any breach or nonobservance of any term of the agreement, be liable to a penalty not exceeding such amount as is fixed by the industrial agreement, and if no amount is so fixed then to a penalty not exceeding, in the case of an association, £250 (\$1,216.63), in the case of an employer (whether a party to the agreement or a member of such party) £100 (\$486.65), and in the case of an employee (whether a party to the agreement or a member of such party) £10 (\$48.67).

(2) Such penalties may be proceeded for and recovered in the same manner as penalties for the breach or nonobservance of an award, and the provisions of subsections (2) to (4), inclusive, of section 49, *mutatis mutandis*, shall apply as if the breach or nonobservance were in respect of an award.

SEC. 34. An industrial agreement may be rescinded or varied by any other industrial agreement made between the parties thereto for the time being.

SEC. 35. On the application in manner prescribed of any party to an industrial agreement, or of any association or person which or who, in the opinion of the court, is bound by—

(a) Any determination of a wages board.

(b) Any agreement under section 48 of the factories act amendment act, 1910, or

(c) Any common rule declared under that act, the court may order that such industrial agreement be varied so far as is necessary to bring it into conformity with such determination, agreement, or common rule; and such industrial agreement shall thereafter be deemed to be varied accordingly, and shall have effect as so varied.

SEC. 36. In default of any express agreement to the contrary therein contained an industrial agreement shall, unless rescinded, and subject to any variation made as provided by this part, continue in force after the expiration of the term specified therein until the expiration of one month after some party thereto has given written notice to the registrar, and to the other parties thereto, of his desire to determine it.

SEC. 37. An industrial agreement shall, for the purposes of this act, be deemed to be made by an association, and a notice shall be deemed to be a notice under this part of an association, if it is executed in the manner and by the officers or other persons prescribed by rules of court; and such rules may prescribe the manner of execution, and the officers or other persons by whom an industrial agreement may be executed, by reference to rules of the association or otherwise; and may also prescribe in what circumstances a document shall, for the purposes of this act, be deemed to be rules of an association, and any other matters which may be necessary or convenient for giving effect to the objects of this part.

PART IV.

LOCKOUTS AND STRIKES.

SEC. 38. Any person or association who or which does any act or thing in the nature of a lockout, continues any lockout, or takes part in any lockout, shall be liable to a penalty not exceeding £500 or, in the case of a person, to imprisonment, with or without hard labor, for a term not exceeding three months.

SEC. 39. Any person or association who or which does any act or thing in the nature of a strike, continues any strike, or takes part in any strike, shall be liable to a penalty not exceeding £500 or, in the case of a person, to imprisonment, with or without hard labor, for a term not exceeding three months.

SEC. 40. When a lockout or strike takes place, and a majority of the members of any association are at any time parties to the lockout or strike, the association shall be deemed to have done an act in the nature of a lockout or strike, according to the nature of the case.

SEC. 41. Any association of employers or employees which, for the purpose of enforcing compliance with the demands of any employers or employees, orders its members to refuse to offer or accept employment, or to continue to employ or be employed, shall be deemed to do an act in the nature of a lockout or strike, according to the nature of the case, whether a lockout or strike actually takes place or not.

SEC. 42. Any person who, being bound by an award or order of the court, a determination, award, or order of a wages board, or an agreement under section 48 of the factories act amendment act, 1910, as to employment in any industry, without reasonable cause or excuse, refuses or neglects to offer or accept employment, or to continue to employ or be employed, upon the terms of such award, order, determination, or agreement, shall be deemed to do an act in the nature of a lockout or strike, according to the nature of the case.

SEC. 43. Notwithstanding anything contained in the conspiracy and protection of property act, 1878, any person who—

(a) Attends at or near any workshop, factory, place of business, or other place where an industrial dispute is taking place, or is threatened or impending, or has taken place, or at or near the residence or place of business of any person, and

(b) Induces or attempts to induce any other person to take part in such industrial dispute or in a lockout or strike, or to do or abstain from doing any act, matter, or thing whereby any party to such industrial dispute, or any other person either directly or indirectly interested therein or connected therewith may or might be injured in his trade, business, or calling—shall be liable to a penalty not exceeding £20 or to imprisonment, with or without hard labor, for a term not exceeding three months.

SEC. 44. (1) When any association or person has been convicted of any offense constituted by this part, the court may, at the time of the conviction or subsequently, grant a writ of injunction to restrain such association or person from continuing or repeating such offense or committing any other offense constituted by this part. Such writ may be granted on notice or ex parte upon the application of an inspector of factories or of any member of the police force.

(2) If any person enjoined by any such writ, after service thereof, disobeys the same he shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for a term not exceeding six months.

(3) If any association enjoined by any such writ, after service thereof, disobeys the same, such association shall be liable to a penalty for such disobedience not exceeding £500 (\$2,433.25).

SEC. 45. (1) Where a penalty is imposed on any person under section 39 or or 43 the court shall order that the amount of such penalty shall be a charge on any moneys which are then or which may thereafter be due to such person from his then or any past or future employer for wages or in respect of work done.

(2) Notwithstanding the provisions of the wages attachment act, 1898, such order on being made shall operate as a garnishee order, enforceable in the manner prescribed for the attachment of any such moneys: *Provided*, That such order shall have effect only in respect of the surplus of the wages or other moneys as aforesaid due or to become due to such person above the sum of £2 per week, in the case of a person who is married or is a widower or widow with a child or children under the age of 21 years, or above the sum of £1 (\$4.87) per week in the case of any other person.

(3) Notwithstanding anything in this act or any other act or law to the contrary, but subject as provided by subsection (2) hereof, after being notified of the making of such order, any such employer shall, as to any moneys then so due forthwith, and as to any moneys thereafter so becoming due as they respectively become due, pay such moneys into the court in or toward satisfaction of the charge imposed by the order, until the same is fully satisfied; and such payments shall, to the extent thereof, be a discharge of any obligation, whether statutory or otherwise, on the part of the employer to pay such moneys to any person.

(4) No charge upon or assignment of his wages, or of moneys in respect of work done or to be done, whether then due or thereafter to become due, and whenever or however made by such person, shall have any force whatever to defeat or affect such order; and any such order may be made and shall have effect as if no such charge or assignment existed.

SEC. 46. (1) Where a penalty is imposed on a person under this part, and it appears that he was, at the time of his committing the offense, a member of an association, the court, in addition to making any other order, may order such association, or the trustees thereof, to pay out of the funds thereof any amount of the penalty not exceeding £50, if the offense was under section 39, and not exceeding the amount of the penalty imposed if the offense was under section 43.

(2) The court shall, before making such order, hear the said association, or the trustees or secretary thereof, and shall not make such order if it is proved to the satisfaction of the court that the association has, by such means as appear reasonably bona fide, endeavored to prevent its members from committing offenses under this part in respect of the lockout or strike or industrial dispute.

SEC. 47. (1) When the registrar certifies to the court in writing that a lockout or strike is taking place or is threatened or impending, the court may, after the president has appointed a special day for the hearing of evidence respecting the matters so certified, issue summonses to all persons and associations suspected of having committed any of the offenses constituted by this part, directing them to attend at a time and place therein mentioned; and the court may, without any information or complaint being laid or made or any other summons being issued, deal with any such persons or associations shown to have been guilty of any such offenses as if they had been specifically charged by information with such offenses.

(2) Such summonses may be served by registered letter or in any manner in which a summons in summary proceedings before justices may be served, or in manner prescribed by rules of court, or in manner ordered under section 75.

(3) Nothing in this section shall be deemed to exclude any other manner of proceeding in respect of such offenses or for the recovery of penalties.

SEC. 48. Proceedings in respect of offenses under this part shall be taken and prosecuted in and be heard and determined by the court in manner prescribed by rules of court.

PART V.

BREACHES OF AWARDS AND OTHER OFFENSES.

SEC. 49. (1) Any association or person which or who commits a breach or nonobservance of an award, whether by contravening or failing to observe the same or otherwise, shall be liable to a penalty not exceeding in the case of an association £250 (\$1,216.63), in the case of an employer £100 (\$486.65), and in the case of an employee £10 (\$48.67).

(2) When any association or person is convicted of an offense under subsection (1) hereof, the magistrate, if of opinion that the breach or nonobservance was committed in willful defiance of the award, may, on motion or without motion, and in addition to any penalty imposed, grant a writ of injunction to restrain such association or person from committing any further or other breach or nonobservance of the award.

(3) If such person disobeys the said writ he shall be guilty of a misdemeanor and shall be liable to imprisonment, with or without hard labor, for any period not exceeding three months.

(4) If such association disobeys the said writ it shall be liable to a penalty for such disobedience not exceeding £250 (\$1,216.63).

SEC. 50. (1) When an employee does any work for which the wages or rate of payment has been fixed by an award, the employer of such person in respect of such work shall, subject to the provisions of section 45, pay such employee the full amount of such wages or rate in money without and deduction, and in default thereof shall be guilty of committing a breach of such award.

(2) The magistrate by whom any person is convicted of such breach may, in addition to imposing a penalty therefor, and without motion in that behalf, order that the defendant shall pay to the employee the difference between the amount paid and that which should have been paid as required by subsection (1) of this section.

(3) The penalty so imposed shall be deemed to be increased by the amount so ordered to be paid, and such amount may be recovered accordingly.

(4) Nothing in this section shall affect any other remedy of the employee.

SEC. 51. (1) If an employer dismisses any employee from his employment or injures him in his employment, by reason merely of the fact that the employee—

(a) Is an officer or member of an association;

(b) Is not a member of an association; or

(c) Is entitled to the benefit of an award, an industrial agreement, a determination of a wages board, or an agreement under section 48 of the factories act, amendment act, 1910;

he shall be liable to a penalty not exceeding £20 (\$97.33).

(2) In any proceeding for an offense under this section it shall lie upon the employer to show that any employee, proved to have been dismissed or injured in his employment whilst an officer or member of an association, or whilst not such a member, or whilst entitled as aforesaid (according to the nature of the case), was dismissed or injured in his employment, for some reason other than that mentioned in this section.

SEC. 52. (1) If any employee ceases work in the service of an employer by reason merely of the fact that the employer—

(a) Is a member or officer of an association;

(b) Is not a member of an association;

(c) Is entitled to the benefit of an award, an industrial agreement, a determination of a wages board, or an agreement under section 48 of the factories act, amendment act, 1910: or

(d) Employs or has employed a person who is not or was not a member of an association;

he shall be liable to a penalty not exceeding £10 (\$48.67).

(2) In any proceeding for an offense under this section it shall lie upon the employee, proved to have ceased work in the service of an employer—

(a) Whilst the employer was an officer or member of an association, or whilst he was not such a member, or whilst he was entitled as aforesaid; or

(b) Who employs or has employed a person who is or was not a member of an association

(according to the nature of the case), to show that he ceased to so work for some reason other than that mentioned in this section.

SEC. 53. If any person who has been duly served with a summons to appear and give evidence before the court or any person or tribunal by or under this

act empowered to take evidence, and to whom payment or tender has been made of any traveling expenses to which he is entitled, fails to duly appear, or if any such person or any person who has appeared or appears as a witness—

(a) Refuses to be sworn or make affirmation or declaration as a witness; or
(b) Refuses to answer any question which he is required by the court or such person or tribunal as aforesaid to answer; or

(c) Refuses to produce any book, paper, or document which he is required by the court or such person or tribunal as aforesaid to produce, he shall be liable to a penalty not exceeding £50 (\$243.33) or to imprisonment, with or without hard labor, for any term not exceeding three months, unless he shows, to the satisfaction of the court or such person or tribunal as aforesaid, that there was good and sufficient cause for such failure or disobedience.

PART VI.

MISCELLANEOUS.

Sec. 54. The proceedings of the court shall be conducted in public, provided that at any stage of the proceedings the court, of its own motion or on the application of any of the parties, may direct that the proceedings be conducted in private; and in such case all persons (other than the parties, their representatives, the officers of the court, and the witness under examination) shall withdraw.

Sec. 55. The Crown may, where, in the opinion of the minister, the public interests are or would be likely to be affected by the award, order, decision, or determination of the court, intervene in any proceedings before the court and make such representations as it thinks necessary in order to safeguard the public interests.

Sec. 56. An industrial dispute shall not be deemed to have ceased on the ground that, in consequence of such dispute, the relationship of employer and employee has ceased as between the parties thereto or any of them.

Sec. 57. (1) The court may give such directions for the representation of parties as it deems proper; but, except as by this section provided, no party shall be represented by a solicitor or agent.

(2) By the direction of the court or with the consent of both parties, either party may, at its or his own cost, be represented by a solicitor or agent.

Sec. 58. When any penalty is imposed in any proceedings in the court or any costs or other sum is by the court ordered to be paid, and no other provision is made in this act or in rules of court for the recovery thereof, a certificate in the prescribed form, under the hand of the registrar and the seal of the court, specifying the amount payable and the respective parties or persons by and to whom the same is payable, may be filed in any court having civil jurisdiction to the extent of such amount, and shall thereupon, according to its tenor, be enforceable in all respects as if it were a judgment of such court.

Sec. 59. Every person or association who or which is directly or indirectly concerned in the commission of any offense against this act, or incites, instigates, or counsels, or aids, abets, or takes part in, or encourages the commission of any such offense, or the continuance thereof, shall be deemed to have committed that offense, and shall be punishable accordingly.

Sec. 60. Any attempt to commit an offense against this act shall be an offense against this act punishable as if the offense had been committed.

Sec. 61. Any association or person guilty of any contravention of any provision of this act, whether by commission or omission, shall, except where some penalty or punishment is specifically provided, be liable to a penalty not exceeding, in the case of an association, £100 (\$486.65), or, in the case of a person, £10 (\$48.67).

Sec. 62. (1) Where a penalty is imposed under this act on an association, or an association is under this act ordered to pay any sum, then, for the recovery of such penalty or sum, process may be issued and executed against the property of such association, or any property in which such association has a beneficial interest, whether vested in trustees or howsoever otherwise held, in the same manner as if the association were an incorporated company and the absolute owner of the property or interest.

(2) For the purposes of this section the property of an association shall be deemed to include the property of any association forming or forming part of the first-mentioned association, or in which it has a beneficial interest, whether vested in trustees or howsoever otherwise held.

SEC. 63. Where a penalty is imposed under this act or an association, or an association is, under this act, ordered to pay any sum, then if such penalty or sum is not fully paid within one month thereafter all persons who were members of such association at the time when the offense was committed or the order was made shall be jointly and severally liable to pay such penalty or sum in the same manner as if the conviction or order had been made against them personally; and all proceedings in pursuance of the conviction or order may be taken against them, or any of them, accordingly, save that no person shall be liable under this section for a larger sum than £5 in respect of any one conviction or order.

SEC. 64. (1) Except where otherwise provided, proceedings in respect of offenses against this act shall be by information or complaint, which shall be heard and determined in a summary manner by a special magistrate.

(2) Unless or except so far as otherwise prescribed, such proceedings shall be regulated by, and penalties imposed therein shall be recovered and enforced as provided by, the ordinance No. 6 of 1850 and any amendment thereof, or any act for the time being regulating the duties of justices of the peace in summary proceedings: *Provided*, That for the purposes of cases stated or to be stated by a magistrate on questions of law, all reference in Part III of the act No. 298 of 1883-84 to the supreme court and the master thereof shall be read as references to the court and the registrar, respectively.

SEC. 65. (1) There shall be an appeal from—

- (a) Any conviction by a special magistrate under this act;
- (b) Any order of a special magistrate dismissing any information or complaint under this act; or
- (c) Any other order made by a special magistrate in proceedings under this act.

(2) Such appeal shall be to the court.

(3) The proceedings on such appeal shall, unless and until otherwise prescribed by rules of court, be regulated, *mutatis mutandis*, by the ordinance No. 6 of 1850 and any amendment thereof or any other act in force regulating appeals to local courts, and for that purpose all references in the said ordinance or any such act to a local court shall be read as references to the court: *Provided*, That—

I. The court on upholding a conviction or substituting a new conviction may, if it thinks that the punishment imposed is not sufficiently severe, increase the term of imprisonment or the penalty, as the case may be, to such term or amount, not exceeding that permitted by this act, as the court deems proper.

II. The court may make such order concerning costs as it deems proper, and the amount of costs ordered may exceed £10.

SEC. 66. Notwithstanding anything in this act or in any other law or any practice to the contrary—

(a) The court, in the exercise of any jurisdiction, duty, power, or function conferred or imposed by or under this act, shall be governed in its procedure and in its judgments, awards, orders, and decisions by equity, good conscience, and the substantial merits of the case without regard to technicalities or legal forms or the practice of other courts;

(b) The court, in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rules or practice as to evidence, but may inform its mind on any matter in such manner as it thinks just;

Provided, That this section shall not apply to proceedings in respect of offenses against this act.

SEC. 67. The court may rescind or vary any award, order, decision, direction, appointment, reference, or other act made or done by it.

SEC. 68. (1) Subject to the provisions of section 67 any award, order, or decision of the court, whether acting in its original or appellate jurisdiction, and whether under this act or the factories act, shall be final, and shall not be removable to any other court by certiorari or otherwise; and no award, order, decision, or proceeding of any kind whatever of the court shall be challenged, appealed against, reviewed, quashed, or called in question in any other court or tribunal on any account whatever other than excess or want of jurisdiction.

(2) Notwithstanding anything in this section the president may, if he thinks fit, in any proceeding before him, at any stage and upon such terms as he thinks fit, state a case for the opinion of the supreme court upon any question arising in the proceeding which, in his opinion, is a question of law.

(3) The supreme court shall hear and determine the question and remit the case with its opinion to the president, and may make such order as to costs as it thinks fit.

SEC. 69. When the president is unable to attend at the time appointed for the hearing of any industrial dispute or industrial matter or for any proceeding, the registrar may adjourn the court and also adjourn any business set down for the day to such day and time as he deems convenient.

SEC. 70. (1) In any proceeding before the court it may reserve its decision.

(2) Where a decision has been so reserved the same may be given at any continuation or adjournment of the court or at any subsequent holding thereof or the president may draw up such decision in writing, and having signed the same forward it to the registrar; whereupon the registrar shall notify the parties of his intention to read the same at some specified time and place, and he shall read the same accordingly, and thereupon such decision shall be of the same force and effect as if it had been pronounced by the president.

SEC. 71. The court may, subject to section 57, in any proceeding whatsoever before it under this act, make such order as to the costs of such proceeding and for the payment thereof as may by it be deemed proper, and may assess the amount of such costs.

SEC. 72. Whosoever willfully makes, on oath, affirmation, or declaration in any proceeding of any kind under this act, any false statement, knowing the same to be false, shall be guilty of perjury, and may be proceeded against and punished accordingly.

SEC. 73. An office copy of an award, order, decision, direction, appointment, reference, or other act of the court, purporting to be sealed with the seal of the court and certified to be true under the hand of the registrar, shall be received in all courts and tribunals and before all persons as evidence of the award, order, decision, direction, appointment, reference, or other act, without proof of the seal of the court or of the signature of the registrar; and it shall not be necessary to prove any condition precedent entitling the court to make or do the award, order, decision, direction, appointment, reference, or other act.

SEC. 74. (1) The president may make rules—

(a) Regulating the practice and procedure and forms to be followed and used in, or in connection with, or for the purposes of proceedings before the court, and in, or in connection with, or for the purposes of enforcing judgments, convictions, decisions, awards, orders, and other acts given, made, and done by the court;

(b) As to the publication of its awards, orders, decisions, and other acts, and the effect of such publication;

(c) For recovering penalties imposed and enforcing orders for attachment and orders for the payment of any moneys made under this act;

(d) Prescribing the fees and expenses to be paid to witnesses;

(e) Prescribing what (if any) fees shall be paid in respect of any proceeding in the court, and the party by whom such fees shall be paid;

(f) Prescribing what traveling expenses shall be payable to assessors;

(g) Prescribing the powers and duties of the registrar, also of other officers, so far as the same relate to matters within the jurisdiction of the court;

(h) As to all things which this act contemplates shall or which this act provides may be prescribed by rules of court; and

(i) All such rules as may be necessary or convenient for the full and effective exercise of the jurisdiction, duties, powers, and functions of the court, or for giving effect to the judgments, convictions, decisions, awards, orders, and other acts given, made, or done by the court or the registrar or other officers of the court.

(2) Subject to such rules and this act, the practice and procedure of the court shall be as directed by the president making the particular direction.

(3) All such rules—

(a) shall be published in the Government Gazette;

(b) From the date of such publication, or from a later date fixed by the instrument whereby the same are made, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this act, and shall be judicially taken notice of without further evidence than the production of a copy of the Government Gazette purporting to contain a copy thereof; and

(c) Shall be laid before both Houses of Parliament within 14 days after such publication if Parliament is in session, and if not then within 14 days after commencement of the next session.

(4) If either House of Parliament passes a resolution disallowing any such rule, of which resolution notice has been given at any time within 14 sitting days of such House after such rule has been laid before it, such rule shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said 14 days, or some of them, do not occur in the same session of Parliament as that in which the rule is laid before such house.

SEC. 75. When it is made to appear to the president that personal or other service of any summons, notice, or other document in connection with or for the purposes of any proceeding in or intended to be brought in the court can not promptly be effected in manner prescribed, the president may in his discretion make any order for substituted or other service or the substitution for service of notice by letter, telegram, public advertisement, or otherwise, which he deems necessary or convenient; and in such case compliance with such order shall be sufficient service.

SEC. 76. (1) The president and, upon being authorized in writing by the president, any officer of the court or any other person, without any other warrant than this act, may at any time during working hours—

(a) Enter any place or premises or any ship or vessel of any kind whatsoever, wherein or in respect of which any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking or has taken place in relation to which any industrial dispute or industrial matter exists or is threatened or impending or will probably arise, or any award has been made, or any offense against this act is suspected;

(b) Inspect and view any work, material, machinery, appliances, article, matter, or thing whatsoever, being in such place, premises, ship, or vessel;

(c) Interrogate any person or persons who may be in or upon such place, premises, ship, or vessel in respect of or in relation to any matter or thing hereinbefore mentioned.

(2) Every person who hinders or obstructs the president, or any officer of the court or other person, in the exercise of any power conferred by or under this section, or who refuses to the president, or any officer of the court or other person authorized as aforesaid, entrance during any such time as aforesaid to any such place, premises, ship, or vessel, or refuses to answer any question put to him as aforesaid, shall be liable to a penalty not exceeding £50.

SEC. 77. All the provisions of the factories acts with regard to aged, slow, inexperienced, and infirm workers shall, *mutatis mutandis*, apply in all cases where wages or rates of payment are fixed by the court, either in its original or appellate jurisdiction: *Provided*, That in such cases the appeal from a refusal of the chief inspector of factories to grant a license shall be to the president.

SEC. 78. Every award shall prevail over any contract of service or apprenticeship in force on the coming into operation of the award, so far as there is any inconsistency between the award and the contract; and the contract shall thereafter be construed and have effect as if it had been modified, so far as necessary in order to conform to the award.

SEC. 79. (1) The governor shall appoint an industrial registrar, and such (if any) deputy industrial registrars, clerks, and other officers as he deems necessary for carrying out the purposes of this act.

(2) The registrar and such other officers shall have such powers and duties as are prescribed, and also, in connection with any industrial dispute or industrial matter over which the court has jurisdiction or any proceeding in the court, such powers and duties as are directed by the court.

SEC. 80. (1) It shall be the duty of inspectors of factories appointed under the factories acts to see that the provisions of awards and orders of the court are duly observed.

(2) In the discharge of such duty an inspector may require any employer or employee to produce for examination any wages books or overtime books necessary for the purposes of this section; and, in addition, every inspector shall have and may exercise all the powers conferred on inspectors of factories by sections 108 and 109 of the factories act, 1907; and those sections and sections 110 to 113, inclusive, of the said act, shall, *mutatis mutandis*, extend and apply to such inspectors when acting under this act.

(3) Any inspector who, except for the purposes of this act, and in the exercise of his functions under this act, discloses to any person any information which, in the exercise of such functions, he acquires, shall be liable to a penalty not exceeding £50.

SEC. 81. (1) The governor may make all such regulations as may be necessary or convenient for carrying out the provisions and objects of this act, except as to matters with respect to which the president has power to make rules of court.

(2) Any such regulation may fix penalties, not exceeding in any case £10, for the breach of the same or any other regulation so made.

(3) All such regulations—

(a) Shall be published in the Government Gazette;

(b) From the date of such publication, or from a later date fixed by the order making the same, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this act; and

(c) Shall be laid before both houses of Parliament within 14 days after such publication, if Parliament is in session, and if not then within 14 days after the commencement of the next session.

(4) If either house of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such house after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said 14 days, or some of them, do not occur in the same session of Parliament as that in which the regulation is laid before it.

SEC. 82. All moneys required for the purposes of this act shall be paid out of moneys provided by Parliament.

In the name and on behalf of His Majesty, I hereby assent to this bill.

DAY H. BOSANQUET, *Governor*.

TASMANIA.

WAGES BOARDS ACT, 1910.

[No. 62.]

PART I.

INTRODUCTORY.

SHORT TITLE AND CONSTRUCTION.

SECTION 1. This act may be cited as the Wages Boards Act, 1910, and shall be deemed incorporated with and be read as one with "The Factories Act, 1910," hereinafter referred to as the principal act.

DEFINITIONS.

SEC. 4. In this act, unless inconsistent with the context—

"Act" includes regulations made hereunder;

"Apprentice" means any person under 21 years of age bound by indentures of apprenticeship;

"Board" means the wages board appointed under this act in respect of the particular process, trade, business, occupation, or calling, or group, or part concerned;

"Chairman" means the chairman of the board;

"Chief inspector" has the meaning assigned to the term by the principal act;

"Clothing or wearing apparel" includes boots and shoes;

"Improver" means and includes—

i. Any person who—

(a) Has served a term of not less than three years as an apprentice; and

(b) Is not over the age of 21 years; and

ii. Any person who, being over the age of 21 years, holds a license from the minister to be paid as an improver;

"Inspector" has the meaning and inclusion assigned to the term by the principal act;

"Minister" means the minister of the Crown for the time being administering the acts relating to public health;

"Trade" includes any process, business, occupation, or calling.

PART II.

WAGES BOARDS.

Division I—Appointment of boards.

WHO APPOINTS.

SEC. 5. (1) The governor shall appoint wages boards—

I. In respect of the preparation and manufacture of clothing and wearing apparel; and

II. For any other trades or any groups or parts in respect whereof both houses of Parliament pass a resolution approving such appointment.

(2) In carrying out the provisions of paragraph I of subsection (1) of this section the governor may appoint a separate board in respect of the preparation and manufacture of any particular article or articles of clothing and wearing apparel.

EXPENSES.

(3) The members of a board shall be paid such fees as may be prescribed. All the expenses of carrying out the provisions of this act shall be paid out of moneys from time to time appropriated by Parliament for that purpose.

Division II—Records and notices by employers.

DUTIES OF EMPLOYERS.

SEC. 7. (1) Every employer engaged in any trade, or group or part, in respect whereof a board is appointed, shall—

I. Make and keep a true record, in such form and giving such particulars as may be prescribed, of the names, work, and wages of the persons employed by him, and the age of every person under 21 years of age;

II. Produce such record for inspection, whenever demanded by an inspector, and forward annually and at the prescribed time a true copy thereof to the chief inspector;

III. Affix and keep affixed in legible characters in some conspicuous place, and so as to be easily read by his employees, a notice containing—

(a) The name and address of the nearest inspector;

(b) The working hours of the employees;

(c) True copies or abstracts of such parts of this act and regulations thereunder as may be prescribed;

(d) A copy of the determination of the board for the time being in force;

IV. Affix and keep affixed in legible characters, in such place as an inspector may direct or approve—

(a) The name of such employer; or

(b) If such employer is a company, the registered name of such company; or

(c) If such employer is a firm, the firm name;

RECORD OF FINES TO BE KEPT.

V. Keep, as prescribed, a record of all fines levied by such employer upon his employees, and produce such record for inspection by an inspector whenever demanded.

Penalty: One pound (\$4.87) for every day during which any of the provisions of this section are not complied with.

(2) Any person defacing or destroying such notices as referred to in this section shall be liable to a penalty not exceeding £10 (\$48.67).

PROCEEDINGS SECRET.

SEC. 8. No person appointed under this act shall divulge any of the contents of such records to any person whatever, except in the performance of his duties under this act; and any person appointed or employed under this act shall, before acting in the execution of his office, make and subscribe before a justice such declaration of fidelity and secrecy as may be prescribed.

Penalty: One hundred pounds (\$486.65).

Division III—Mode of appointment.

CONSTITUTION OF BOARD.

SEC. 9. (1) One-half of the representative members of every board shall be appointed as representatives of employers and one-half as representatives of employees.

(2) If a board be appointed exclusively for men's and boys' clothing the representatives of employers shall consist of three representatives of makers of ready-made clothing and two of makers of order clothing.

REPRESENTATIVES.

(3) The representatives of the employers shall be or shall have been bona fide and actual employers in the trade, or group or part, for which the board is to be appointed, or managing experts.

(4) The representatives of the employees shall be or shall have been bona fide and actual employees in such trade, or group or part.

MEMBERS ELIGIBLE FOR REELECTION.

SEC. 10. A member shall be eligible for reappointment upon the expiration of his term of office.

SEC. 11. (1) The minister shall publish in the Gazette a notice which shall—

NOTICE OF APPOINTMENT.

I. Specify the trade, or group or part, in respect of which such board is to be appointed; and

II. Fix a date on or before which every employer engaged in such trade, or group or part, shall forward to the chief inspector a return containing—

(a) The employer's full name, address, and occupation; and

(b) Particulars of the names, work, and wages of the persons employed by him therein.

(2) Every employer shall duly forward the return mentioned in paragraph II of subsection (1).

Penalty: Ten pounds (\$48.67).

(3) The chief inspector shall prepare a summary of such returns for the information of the minister.

(4) The minister may nominate persons for appointment on such board as representatives of employers and representatives of employees.

(5) The minister shall publish in the Gazette a notice setting out the names, addresses, and occupations of the persons nominated.

SEC. 12 (as amended by act No. 46, 1913). (1) The governor shall appoint the persons so nominated, unless objected to pursuant to subsection (2).

NOMINEES.

(2) If, in the opinion of the minister, having regard to the records contained in the latest report of the chief inspector or the summary mentioned in subsection (3) of section 11—

I. Not less than five of the employers have objected in writing to any of the persons nominated as the representatives of employers; or

II. Not less than five of the adult employees have objected in writing to any of the persons nominated as the representatives of employees—
the representatives of the employers or employees so objected to shall be elected in manner prescribed.

(3) Objections to nominations may be made within 21 days from the date of the publication of such nominations.

(4) The governor shall appoint the persons so elected.

(5) If no representatives of the employers or the employees or the full number of such representatives are not elected within the time appointed for the election under the regulations, then the governor shall, on the nomination of the minister, appoint a sufficient number of persons as representatives of the employers or employees, as the case may be, to fill the vacancies on the board.

The provisions of subsection (5) of section 11 and of the foregoing subsections of this section shall not apply in such appointments.

(6) When the representatives of employers and employees have been appointed the governor shall publish such appointment in the Gazette.

Division IV—General provisions relating to constitution of boards.

NUMBERS AND TERM.

SEC. 13. Every board shall—

(1) Consist of not less than 4 nor more than 10 representative members and a chairman; and

(2) Be appointed for a period of three years from the date of appointment of the chairman.

CHAIRMAN.

SEC. 14. (1) The majority of the representative members of every board, before exercising any powers conferred upon them by this act, shall nominate in writing some persons (not being one of such members) to be chairman of such board, and such person shall be appointed by the governor to such office.

(2) In the event of such nomination not being made within 28 days from the appointment of such board the governor may appoint any justice as such chairman until a chairman shall be nominated by the said board.

(3) In the event of any vacancy occurring in the office of chairman of any board, such vacancy shall be filled in manner aforesaid.

(4) The chairman shall be deemed a member of the board, and the governor shall publish his appointment in the Gazette.

POWERS.

SEC. 15. (1) All powers of a board may be exercised by a majority of the members thereof present at any meeting. Half of the members of the board shall constitute a quorum.

(2) The chairman shall have a deliberative and not a casting vote.

If there is an equal division of votes upon any question, it shall pass in the negative.

REMOVAL OF MEMBER.

SEC. 16. The governor may, by order published in the Gazette, remove any member.

RESIGNATION.

SEC. 17. A member may resign by writing, under his hand, addressed and forwarded to the minister, and from the time his resignation is received by the minister the seat of such member shall become vacant.

GOVERNOR MAY APPOINT.

SEC. 18. (1) The governor may appoint a person to fill a vacancy caused by death, resignation, or removal of a member, or under an order of justices, pursuant to section 51: *Provided*, That if within 14 days of such vacancy occurring a majority of the representatives on the board of the employers or employees, as the case may be, nominate a person to be appointed to fill such vacancy, the governor shall appoint the person so nominated.

(2) No person shall be so appointed unless qualified for nomination under section 9.

(3) The term of office of a member so appointed shall be limited to the residue of the term of office for which such board is appointed.

(4) A person so appointed shall be deemed to have been elected by the employers or employees, as the case may be.

EFFECT OF VACANCY.

SEC. 19. During a vacancy in a board (other than in the office of chairman) the continuing members may, unless a member objects, act as if no vacancy existed.

*Division V—Objects and duties of boards.***POWERS OF BOARD.**

SEC. 20. Every board, so far as regards the particular trade or group or part for which it is appointed—

(1) May classify the employees;
 (2) Shall determine the lowest prices or rates of payment which may be paid—

(a) To each class; or

(b) For any specified work;

(3) May determine that the rates of wages, or any part thereof, fixed by a determination shall, as applicable to any specified locality or area, be increased or diminished by an amount not exceeding 10 per cent thereof;

(4) May alter, vary, or rescind any of its determinations;

(5) Shall fix the maximum number of hours per week or per day in respect of which such wages, prices, or rates shall be paid;

VI. Shall determine wages prices or rates higher than those determined for such maximum number of hours which shall be paid to employees over 16 years of age in respect of time above such maximum worked in any week or day.

VII. Shall fix the maximum number or proportionate number of improvers and the maximum number or proportionate number of apprentices who may be employed by an employer, with power to fix a different proportion of male and female improvers or apprentices.

VIII. Shall, by notice published in the Gazette, prescribe, as regards persons thereafter apprenticed, a form of indenture of apprenticeship, and may by such notice prescribe the term of such apprenticeship, such term being not less than three years.

OUTSIDE WORK.

SEC. 21. Notwithstanding the provisions of section 20—

I. The board shall, as regards work done outside a factory in respect of the manufacture or preparation of articles of clothing or wearing apparel, fix piecework prices or rates, and not wages prices or rates.

RATES FOR MACHINE HANDS.

II. The board shall, if requested by an employer, fix wages prices or rates for his machine hands.

PIECEWORK RATE TO BE BASED ON WAGES RATE.

III. Where the board fixes both piecework prices or rates and wages prices or rates for any work the piecework prices or rates shall be based on the wages prices or rate; but no determination shall be questioned or challenged for noncompliance with this subsection.

PRINCIPLES OF DETERMINATION BY BOARDS.

SEC. 22 (as amended by act No. 2, 1911). (1) The board, for the purpose of determining the lowest prices or rates of payment which may be paid, shall take such evidence as it deems sufficient, and shall take into consideration—

(a) The nature, kind, and class of the work;

(b) The mode and manner in which the work is to be done;

(c) The age and sex of the workers, and, in addition, as regards apprentices and improvers, their experience at the trade; and

(d) Any matter whatsoever which may from time to time be prescribed.

(2) The board shall ascertain what prices or rates are fair and reasonable as the lowest prices or rates to be paid, taking into consideration the evidence and the matters and things mentioned in subsection (1) of this section, and shall make their determination accordingly; and the board (if it thinks fit) may fix different prices or rates accordingly.

SPECIAL PROVISIONS FOR APPRENTICES.

SEC. 23. After the expiration of one month from the publication of the notice under section 20, subsection VIII, no employer shall take an apprentice except under indentures in the form and for the term fixed by such notice or

by this act; and indentures contravening the provisions of this subsection shall be void.

Penalty: Twenty pounds (\$97.33).

POWER OF CHAIRMAN TO ADMINISTER OATHS.

SEC. 24. (1) The chairman may require a person (including a member of the board) giving evidence before the board to give his evidence on oath.

(2) The chairman may administer such oath.

WAGE FOR LESS THAN MAXIMUM HOURS.

SEC. 25. Every employer shall pay to an employee who in any week works less than the maximum number of hours fixed under section 20, subsection V, a pro rata amount of the wages price or rate determined for such maximum number of hours.

Penalty: Five pounds (\$24.33).

EXPERIENCE OF APPRENTICE.

SEC. 26. All the time during which an apprentice or improver has worked at the trade, in which he is for the time being employed, shall be reckoned in calculating his experience, whenever by the determination of the board his wages are to vary in accordance with his experience.

Division VI—Piecework rates may be fixed by employer.

PIECEWORK RATE.

SEC. 27. (1) A board, instead of determining the lowest piecework prices or rates—

I. May fix the lowest wages prices or rates; and

II. May determine that piecework prices or rates based thereon may be fixed and paid by the employer.

(2) Every such employer shall base such piecework prices or rates on the earnings of an average worker—

I. Working at work similar to that for which the piecework prices or rates are fixed; and

II. Being paid at the wages rates fixed by such board.

(3) Such employer shall, when required by the chief inspector, forward to him a statement of such piecework prices or rates.

(4) No employer who has so fixed piecework prices or rates shall, either directly or indirectly or by any pretense or device, pay or offer, or attempt to pay, any employee at lower prices or rates.

(5) The onus of proof that this section has been complied with shall lie on the defendant.

Penalty: For the first offense £2 (\$9.73), and for every subsequent offense £10 (\$48.67).

Division VII—Aged, slow, and infirm workers.

SPECIAL LICENSES.

SEC. 28. (1) The chief inspector may grant to an aged, slow, or infirm worker a license to work at a wage less than the wage fixed by the board.

(2) The chief inspector shall not grant such license until satisfied that such worker is, by reason of age, slowness, or infirmity, unable to obtain employment at the wage fixed by the board.

(3) Such license—

I. Shall specify the wage at which such worker is licensed to work; and

II. May be renewed; and

III. Shall be in force until revoked by the chief inspector.

(4) An appeal shall lie from a refusal by the chief inspector to grant such license, or as to the wage specified in such license.

(5) Such appeal shall be to the board, which may—

I. Uphold such refusal; or

II. Fix the wage and direct such inspector to issue a license.

(6) No employer shall, without the consent of the board, employ any number of licensed aged, slow, or infirm workers exceeding one-fifth of the whole number of persons employed by him in the particular trade at the wage fixed for adults or at piecework rates.

(7) Notwithstanding subsection (6) every employer may employ one licensed slow worker.

PENALTY.

SEC. 29. No person shall, either directly or indirectly, or by any pretense or device, pay or offer to pay any such aged or infirm or slow worker at a wage lower than that specified in such license.

Penalty: For the first offence £2, and for every subsequent offence £10.

Division VIII—Duration, publication, and application of determinations.

DETERMINATION TO BE SIGNED.

SEC. 30. (1) The determination of a board shall—

I. Be signed by the chairman and forwarded by him to the minister;

II. Be forthwith published by the minister in the Gazette;

III. Come into force on a date to be fixed by the board, and being not less than 30 days after the making thereof.

SCOPE.

(2) The determination of a board shall—

I. Apply to all employers and employees who are engaged in the particular trade, or group or part—

(a) Within the State; or

(b) Within any locality or area specified by the board; and

TERM.

II. Remain in force until altered by such board, or by a subsequent board.

SEC. 31. No determination of a board shall apply to a child of the employer.

DETERMINATION CONTROLS.

SEC. 31A (added by act No. 46, 1913). Where any determination of a board fixes the maximum number of hours in any trade or group or part for which such board is appointed, section 52 of the factories act, 1910, shall, as to such trade, group, or part, so long as such determination continues in force, be read and construed subject to the determination.

SEC. 31B (added by act No. 46, 1913). (Local to certain cities.)

Division IX—Suspension of determinations.

SUSPENSIONS.

SEC. 32. (1) Notwithstanding section 30, the governor may, by order published in the Gazette, suspend the operation of the whole or any part of the determination of a board.

(2) Thereupon such board—

REVIEW.

I. Shall reconsider such determination, or part thereof, and take evidence thereon; and

II. May either alter or adhere to the same.

(3) If the board makes an alteration, its determination as altered—

I. Shall be forwarded by the chairman to the minister;

II. Shall be forthwith published by the minister in the Gazette; and

III. Shall for all purposes be the determination of the board.

- (4) The suspended determination shall thereupon become void.
 (5) If the board adheres to its determination without alteration—
 I. The chairman shall notify the minister in writing;
 II. The governor shall thereupon, by order published in the Gazette, revoke the suspension;
 III. Such revocation shall take effect from a date not later than 14 days, to be fixed in such order.

Division X—Powers and duties of inspectors.

POWERS OF INSPECTORS.

SEC. 33. (1) It shall be the duty of inspectors to enforce the provisions of this act.

(2) Every inspector, as regards any premises or place wherein is carried on any trade, or group or part, for which a board is appointed, may—

I. Enter, inspect, and examine any such premises or place at any time when he has reasonable cause to believe that any person is employed therein;

II. Take with him a constable when he has reasonable cause to apprehend any serious obstructions in the execution of his duty;

III. Question, with respect to matters under this act, every person whom he finds in or about such premises or place, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed therein, and require such person to answer the questions put and sign a declaration of the truth of his answers;

IV. Require the production of any book, notice, record list, indentures of apprenticeship, or document which is by this act required to be kept or exhibited, and inspect, examine, and copy the same;

V. Require the production of and inspect, examine, and copy all pay sheets or books wherein an account is kept of the actual wages (whether by piece or not) paid to any employee whose wages are fixed by a board.

VI. Exercise such powers and authorities as may be prescribed.

INSPECTOR MAY BE ACCOMPANIED BY INTERPRETER.

SEC. 34. (1) An inspector entering, inspecting, and examining any such premises or place may take with him an interpreter.

EFFECT OF INQUIRY, ETC., BY INTERPRETER.

(2) Any question or requisition made on behalf of such inspector by such interpreter shall be deemed to have been put or made by the inspector, and the answer thereto made to the interpreter shall be deemed to have been made to the inspector.

EMPLOYEE TO AID.

SEC. 35. Every employer shall at all reasonable times furnish the means required by an inspector necessary for the exercise of his duties and powers.

ORDERS, ETC., TO BE IN WRITING.

SEC. 36. Every order, requisition, or determination made by an inspector shall be in writing and served on the employer.

OBSTRUCTION.

SEC. 37. No person shall—

I. Obstruct or willfully delay an inspector or interpreter in the execution of his duties or powers; or

II. Omit to comply with the requirements of section 35 or of any direction which the inspector is authorized to give pursuant to this act; or

III. Omit to truly answer or reply to any question which any inspector is authorized to ask under section 33; or

IV. Fail to produce any book, notice, record, list, or document which, pursuant to section 33, he is required by an inspector to produce; or

V. Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do.

Penalty: Ten pounds (\$48.67).

Division XI—General provisions.

PAYMENT OF EMPLOYEE ENGAGED IN TWO OR MORE CLASSES OF WORK.

SEC. 38. (1) Where an employee performs two or more classes of work to which a rate fixed by a board is applicable, his employer shall pay such employee in respect of the time occupied in each class of work at the rate fixed by the board therefor.

RATE OF WAGES THROUGHOUT DAY.

(2) When an employee is during any part of a day employed at work for which a board has fixed wages prices, or rates, his employer shall pay such employee at such prices or rates for all work whatever done by him during such day for such employer.

Penalty: Ten pounds (\$48.67).

EFFECT OF AMENDMENT.

SEC. 39. The alteration, suspension, or avoidance of a determination shall not affect—

I. Legal proceedings theretofore commenced in relation to such determination; or

II. Rights existing at the time of such alteration, suspension, or avoidance.

PIECEWORK RATE NOT AFFECTED BY OMISSION OF DETAILS.

SEC. 40. Whenever—

I. A board has fixed piecework prices or rates for work; and

II. Such board has, in the description of such work, enumerated several operations; and

III. Any such operation is omitted with the express or implied consent of the employer—

such omission shall not affect the prices or rates to be paid for such work, but such prices or rates shall, unless otherwise provided in such determination, be the prices or rates fixed for the whole work described.

FIXING A WAGES RATE ONLY.

SEC. 41. Where a board has fixed wages prices, or rates, and no piecework prices or rates have been determined by the board or fixed by the employer pursuant to section 27—

I. No employer shall, directly or indirectly, pay, or authorize or permit to be paid, piecework prices or rates; and

II. Every employee shall be paid such wages prices or rates, and may recover the full amount thereof in a court of competent jurisdiction, notwithstanding the receipt or acceptance of piecework prices or rates.

Penalty: Five pounds (\$24.33).

FIXING PIECEWORK RATES ONLY.

SEC. 42. When a board has fixed piecework prices or rates only—

I. No employer shall, directly or indirectly, pay, or authorize or permit to be paid, wages prices or rates; and

II. Every employee shall be paid such piecework prices or rates, and may recover the full amount thereof in a court of competent jurisdiction, notwithstanding the receipt or acceptance of wages prices or rates.

Penalty: Five pounds (\$24.33).

FAILURE TO PAY WAGES FIXED.

SEC. 43. (1) No employer or employee engaged in a trade, or group or part, in respect whereof prices or rates have been fixed by a board shall, directly or indirectly, pay or receive a lower price or rate than that so fixed.

Penalty: Twenty pounds (\$97.33).

(2) Every employee may, notwithstanding any agreement to the contrary, recover in a court of competent jurisdiction any amount short paid.

(3) All proceedings under subsection (2) shall be commenced within six months.

EMPLOYING EXCESS NUMBER OF IMPROVERS.

Sec. 44. No employer shall, directly or indirectly, employ any improver or apprentice in excess of the number authorized by a determination under section 20, subsection VII.

Penalty: Twenty pounds (\$97.33).

PART III.

REGULATIONS.

WHO MAKES REGULATIONS.

Sec. 45. The governor may make regulations prescribing all matters which by this act are required or permitted to be prescribed, or as may be necessary or convenient to be prescribed for giving effect to this act.

DISPUTING VALIDITY.

Sec. 46. (1) A person desiring to dispute the validity of a regulation may apply to the supreme court upon affidavit for a rule calling upon the chief inspector to show cause why such regulation should not be quashed, either wholly or in part, for the illegality thereof.

(2) The said court may make absolute or discharge the said rule, with or without costs.

PART IV.

MISCELLANEOUS.

Division I—Proceedings to try title of member of board and validity of determination.

NO WRIT OF QUO WARRANTO ALLOWED TO TRY TITLE TO ANY OFFICE.

Sec. 47. No writ of quo warranto, information in the nature of a quo warranto, or other proceeding shall issue or be filed or had or taken in the supreme court to try or question the title of a person to act as a member of a board.

MANDAMUS ABOLISHED.

Sec. 48. No writ of mandamus shall issue from the supreme court to admit or restore to office a member of a board.

PROCEEDINGS FOR TRYING TITLE TO OFFICE.

Sec. 49. The proceedings—

I. For trying the title of a member of a board to his office; and

II. For trying the right of a person to be admitted or restored to such office; and

III. To compel his restoration or admission—shall be had and taken before and determined by two or more justices of the peace in a summary way.

TIME WITHIN WHICH PROCEEDINGS MAY BE TAKEN.

Sec. 50. (1) No proceedings to try the title of a person as a member of a board shall be had or taken except upon information.

(2) Such information shall be laid within two calendar months from the time at which the person whose title is disputed was appointed or elected.

JURISDICTION OF JUSTICES.

Sec. 51. (1) The information under section 50 may be laid at the instance of any person interested.

(2) The justices may make an order declaring—

I. That a person is not entitled to the office then possessed by him, and that such office is vacant; or

II. That the informant is entitled to the said office.

(3) No order to admit or restore a person to any office shall be made whilst any other person is in possession of such office.

Validity of determination.

CHALLENGE OF DETERMINATIONS.

SEC. 52. (1) A person desiring to challenge or dispute a determination of a board for the illegality thereof may apply to the supreme court, upon motion supported by affidavit, for a rule calling upon the board to show cause why such determination should not be quashed, either wholly or in part.

(2) The court may make absolute or discharge the said rule, with or without costs.

(3) No determination of a board shall be in any other manner challenged or disputed for the illegality thereof.

Division II—General.

DISCLOSURE OF TRADE SECRETS.

SEC. 53. No evidence relating to a trade secret or to the profits or financial position of a witness or party shall be disclosed or published without the consent of the person entitled to the trade secret or nondisclosure.

Penalty: Twenty-five pounds (\$121.66).

PENALTY ON LOCKOUT.

SEC. 54. No organization of employers or member thereof, and no employer, shall counsel, take part in, support, or assist, directly or indirectly, any lock-out on account of any matter in respect of which a board has made a determination.

Penalty: In the case of an organization, £500 (\$2,433.25) and in the case of an individual £20 (\$97.33).

PENALTY ON STRIKE.

SEC. 55. No organization of employees or member thereof, and no employee, shall counsel, take part in, support, or assist, directly or indirectly, any strike on account of any matter in respect of which a board has made a determination.

Penalty: In the case of an organization £500 (\$2,433.25) and in the case of an individual £20 (\$97.33).

POWERS AS TO WITNESSES AND DOCUMENTS.

SEC. 56. Every board may exercise, in respect of the summoning and examining of witnesses, production of documents and books, and in respect of persons summoned or giving evidence before the board, the same powers as are by law conferred on a commission appointed by the governor to make an inquiry.

Every summons to attend the board shall be signed by the chairman.

OUTSIDE WORKERS TO REGISTER NAMES AND ADDRESSES.

SEC. 57. (1) Every person who outside a factory wholly or partly prepares or manufactures, either directly or indirectly, any article for the occupier of such factory for trade or sale shall, either personally or by written notice, register with the chief inspector—

I. His full name and address; and

II. Any change in such address from time to time.

(2) Every person so registered shall answer all questions put to him by an inspector—

I. As to the person for whom the articles are being prepared or manufactured; and

II. The price or rate to be paid to him therefor.

Penalty: Ten shillings (\$2.43).

PROCEEDINGS BEFORE JUSTICES.

SEC. 58. In all proceedings in respect of offenses against the act—

I. The onus shall be on the defendant to prove—

(a) That the provisions of this act and of any determination of a board with regard to the number or proportionate number of improvers or apprentices who may be employed have been complied with;

(b) That a person named in an information as being either an employee of the defendant generally or an employee of the defendant in a certain capacity was not so employed;

(c) That the premises or place mentioned in an information as being within a certain locality or area are or is not therein:

II. The allegation contained in the information shall be deemed proved in the absence of proof by the defendant to the contrary.

III. Subsection II shall not apply where the offense is directly punishable by imprisonment.

EVIDENCE OF DETERMINATION.

SEC. 59. The production in a court of the Gazette purporting to contain the determination of a board shall, except in proceedings under section 52 of this act, be conclusive evidence of the due making and existence of such determination.

OFFENSES TO BE REPORTED.

SEC. 60. (1) Every offense against this act shall be reported to the minister.

(2) No proceedings shall be taken without the consent in writing of the minister.

(3) Such consent may be proved by the production of a document in the form in the schedule to this act, or to the like effect, purporting to be signed by the minister.

PROCEEDINGS, BY WHOM TAKEN.

(4) Proceedings may be taken by a member of the police force or by an inspector.

GENERAL PENALTY.

SEC. 61. Every person guilty of an offense against this act or any regulation thereunder, for which no other penalty is provided, shall, on summary conviction, be liable to a penalty for the first offense of not more than £2, and for every subsequent offense to a penalty of not less than £1 nor more than £10.

PROCEDURE.

SEC. 62. All informations for offenses against the provisions of this act or the regulations, and all penalties or fines imposed under the provisions of this act or the regulations, may be summarily heard, determined, and recovered by and before a police magistrate or any two or more justices in the mode prescribed by the magistrates' summary procedure act.

APPEAL.

SEC. 63. Any person who deems himself aggrieved by any summary conviction under this act or the regulations may appeal against the same in the mode prescribed by the appeals regulation act.

APPROPRIATION OF FINES, ETC.

SEC. 64. All fines and penalties recovered under the provisions of this act within the municipalities of the cities of Hobart and Launceston shall be paid into and form part of the consolidated revenue. But in all other municipalities one-half of such fines and penalties shall be paid forthwith to the municipal fund within the municipality wherein any such fines or penalties are imposed, and the other half shall be paid into and form part of the consolidated revenue.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements.

2. It is noted that the accounting department is responsible for the preparation and presentation of the financial statements to the board of directors and the shareholders.

3. The document also highlights the need for the accounting department to maintain a high level of transparency and to provide timely and accurate information to the management and the external auditors.

4. The accounting department is required to ensure that all transactions are properly recorded and that the financial statements are prepared in accordance with the applicable accounting standards.

5. The document further states that the accounting department must maintain a high level of confidentiality and must not disclose any confidential information to unauthorized persons.

6. The accounting department is also responsible for the identification and management of financial risks and for the implementation of internal controls to prevent fraud and misappropriation of assets.

7. The document emphasizes the importance of the accounting department in the overall management of the company and in the achievement of its strategic objectives.

8. The accounting department is required to provide regular reports to the management and the board of directors on the company's financial performance and on the results of its internal control activities.

9. The document also states that the accounting department must maintain a high level of professional competence and must stay up-to-date with the latest developments in accounting and finance.

10. Finally, the document concludes that the accounting department is a key component of the company's financial management system and that its effective operation is essential for the company's long-term success.

